

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

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening March 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 February 23, 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. Jeremiah Loughman
Mr. Craig Goss
Mayor Scott Rosenbush
Mr. Anthony Romano
Mr. Franz Vintschger
Mr. Jeffrey Grayzel
Ms. Linda Murphy, Alternate #1
Mr. Kevin McNally, Alternate #2

Members Absent

Mr. Laurence Bobbin
Mr. Leigh Tucker Doxsee

Professionals Present

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

Consideration for approval of minutes of the December 15, 2009 Special meeting.

Ms. Murphy moved seconded by Mr. Rosenbush, unanimously carried the minutes of the December 15, 2008 special meeting were approved as circulated and placed on file.

Public Hearings

PB-10-07, Atlantic Health System

Site Plan/Waiver/Variance

Block 7003, Lot 16, 475 South Street, OL-40 Zone.

Continuation from the January 12, 2009 public hearing, applicant proposes to maintain the existing gazebos on site and install a third gazebo. The applicant also seeks approval for a generator which creates a side yard setback of 156 feet where 175 feet is required.

Mr. Willard Bergman entered his appearance and asked the Board to adjourn the application to the next available meeting. He stated that the applicant was in the process of updating the plans. The application is carried to April 6, 2009 Board meeting with further notice. Applicant granted the Board an extension of time until May 31, 2009.

PB-08-08, Normandy Real Estate Partners

Site Plan/Variance

Block 8402, Lot 7, 310 Madison Avenue, OL-5 zone.

Continuation from the January 12, 2009 public hearing, applicant proposes to fulfill compliance with a resolution of prior approval granted by the Planning Board on March 21, 2005. This approval granted major site plan and variance approval for additional parking, located in the front yard, and permission for medical office use of the building.

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

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

Brian McMorrow, Professional Engineer

The following were submitted as exhibit during testimony.

A-2 Deck lighting plan (colored).

A-3 Handout of revised valet plan.

Summary of Testimony - Mr. Brian McMorrow, Professional Engineer.

As seen in the upper left hand corner of Exhibit A-3, additional cars could be parked on the property to comply with the 5 spaces per 1000 SQFT ratio requirement. The proposed spaces are 8 ft. wide and 17 ft. long with 60 degree angles to the drive aisle, the proposed aisle is approximately 14 feet wide where the ordinance requires an 18 foot aisle for a 60 degree angle parking space. This plan doesn't fully comply with certain ordinances pertaining to direct access of parking spaces to the drive aisle, minimum length of spaces dependent on angle to the aisle, and parking space size.

The applicant is seeking approval to build a parking deck, but only if it is deemed absolutely necessary sometime in the future. As of now, parking is not a problem. The applicant's first choice to solve any parking problems that could arise once more tenants move into the medical building is valet parking. Valet parking would allow a maximum of 89 car spaces, which is 28 more than would be available without valet. The lot holds a total of 284 spaces (using valet).

The parking deck would be situated along Madison Avenue, and it would be an extension of the existing parking level with access to Punch Bowl Road. Disturbance of steep slopes would only be needed for one or two of the piers. The deck would sit over the ground that is below it right now. A footprint of the deck covers 435 SQFT of land between a 15% and 20% grade, 109 SQFT of land between 20% and 21% grade, and 418 SQFT of land greater than 21% grade. There are no flood

plains or wetlands that would be affected by the deck (let this be a correction to the typo on the site plan). The impervious coverage goes up by 800 SQFT but does not adversely impact the function of the drainage system.

For lighting, the applicant is proposing 6 shoebox fixture lights, all 12 ft. high, in each of the four corners of the deck and one in the middle. The spillage of the light is only on site; there is a recording of 0 (zero) spillage onto Madison Avenue. These proposed lights are very similar to the ones that are currently on the property, and they have been previously approved by the Township. The applicant intends on leaving the air conditioning units where they currently are.

Mr. Burns stated that the applicant has a duty or obligation to build the deck; he should have the right to do so. However, there are limits to the terms of approval as held by the Municipal Land Use Law. If the zoning and usage remains the same, the applicant has the right to build for a maximum of 10 years. If zoning laws do change, or if the building ceases to be used for medical purpose, the applicant would have to seek amended approvals in order to build the deck.

Mr. Burns further stated that the concern here is that any variances the Board grants might expire if they aren't used soon. He suggested that the applicant run the valet parking at least once so that the variances have effectively locked in. It seems that the applicant should be able to implement the valet when and if he chooses at a cost to him. He should be able to do it because he is the one directly impacted by parking issue. The notice to the Township Engineer would be as a courtesy notice so that the Township knows what is going on.

Summary of Testimony - Mr. Douglas Henshaw, Attorney for the applicant.

Mr. Henshaw testifies that at no time has the lot been completely filled to capacity. His client is concerned with the possibility that as more tenants move into the medical building, parking could start to become a problem. If this does occur, the applicant's first move and biggest preference would be to hire valet parking employees to aid in more efficiently filling the lot. If, however, the valet parking fails to fix the parking problem, he may have to resort to building a parking deck.

Some members of the Board agree that if valet parking ends up being used frequently (5 days a week), the applicant should be given a time limit for which he can use the valet parking. The possibility of crafting a valet time frame to be put in the resolution was brought up, which would aid the applicant in deciding when it actually becomes necessary to build a parking deck. Mr. Henshaw disagrees; stating that his client would prefer to allow the management of the building to decide when it is necessary (as opposed to formally keeping track of how often valet is used). The Board also agrees that if the valet parking succeeds in its intentions, there is the possibility that there will never be a need for the deck. If the valet system is too slow and causes congestion, then the deck would be the next step--but if the valet is working, keep it. In addition, it is the Township Engineer's prerogative to decide that a deck is necessary in the case that he views the site and determines that the valet system does not work.

Mr. Goss stated that given the area outlined for the valet parking, he is satisfied with the fire department's access to the building.

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

The Board stipulated that the applicant must revise his plans to reference the valet plan and incorporate the improved lighting plan. The applicant does have the right to use valet parking, and can do it at any time with a courtesy notice to the Township Engineer. If at any point the Township Engineer decides the applicant needs more parking spaces, the valet system will be implemented

because it is fast and inexpensive. The parking deck will only come into the picture if the valet parking plan is not working to solve parking congestion. In the case that the Township Engineer informs the applicant that he must build the deck, the applicant has the right to ask for a hearing and prove to the Board that he does not need a deck. The applicant also has the option to build the deck whenever he wants to, assuming he receives final site plan approval. As long as he meets the resolution and zoning requirements and the approved use for the site remains, he has the right to build the parking deck.

Mr. Vintschger moved, seconded by Ms. Murphy that approval be granted to the application of Normandy Real Estate Partnership thereby permitting the valet/parking deck on Block 8402, Lot 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 March 16, 2009 meeting of the Board.

Roll Call (Voting Members)

Mr. McNally	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Ms. Murphy	YES
Mr. Romano	YES
Mr. Vintschger	YES
Mr. Grayzel	YES
Mr. Haan	YES

**Recess taken at 8:53 pm
Meeting reconvened at 9:00 pm**

PB-16-08, Evergreen Cemetery

Site Plan/Variance/Waiver

Block 10201, Lot 1, 65 Martin Luther King Avenue, CEM zone.

Applicant proposes to renovate and upgrade the existing maintenance building with a 1 ½ story addition of 1,290 square feet creating a front yard setback on Monroe Street of 28.2 feet where 50 feet is required. Applicant also seeks variance relief for a 24 foot building height where 15 feet is allowed.

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

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

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

Carl Badenhausen, Chairman of Buildings and Grounds, Evergreen Cemetery
Arturo Palombo, Project Architect
Richard Schommer, Professional Engineer

TCC report dated September 4, 2008 read for the record by Mr. Adrian Humbert, Professional Planner.

The following were submitted as exhibit during testimony.

A-1 Photo Board
A-2 Colored Rendering of Building Elevations

- A-3 Existing and Proposed floor plan
- A-4 Proposed floor plan
- A-5 Colored Sheet #2 of plans
- A-6 Site Plan Sheet 1 of 1 & Landscaping Plan

Summary of Testimony - John DeMarco, Attorney for the applicant.

Mr. DeMarco summarized the application for site plan approval and variances to permit the upgrade and renovation of maintenance buildings at the cemetery. The buildings are used daily for grounds equipment and supplies. They are situated on continuous parcels of land in both Morristown and Morris Township, but the proposed improvements are solely on Morris Township land. The area at stake is in the northwestern portion of the lot near Monroe Street. The site improvements include the demolition of a small portion of the existing building and construction of a one and a half story addition, as well as the remodeling of the existing maintenance building inside and out. There will be construction of material storage bins at the north end of the site, removal of gravel and installation of new pavement, and removal and replacement of certain fencing and landscaping. The applicant intends on installing new utility services, and is seeking several bulk variances for the lot as well.

Summary of Testimony - Carl Badenhausen, Chairman of Buildings and Grounds, Evergreen Cemetery.

Mr. Badenhausen stated that the building that is going to be razed is a 100 year old building that was originally used as a horse barn. It houses lawn mowers, pick-up trucks, dump trucks, a snow plow, and backhoes for maintaining the property. The reasons for upgrade include: restoring the buildings to be more functional, efficient, and safe, and creating a place to store a frontend loader which they intend on purchasing. They have put off making these repairs for a couple of years now. There will be between 4 and 5 employees using the building on a daily basis. Mr. Badenhausen testified that the space will never be used for overnight sleeping quarters. The Board suggested the idea of tearing both existing buildings down and condensing them to make more efficient use of the space. Mr. Badenhausen, however, would like to change as little as possible about the site and retain the historical significance as much as possible. The renovation that will take place at the other building will be the conversion of a loft into a lunch room and desk area for the head of the grounds.

The Board asked whether they had considered adding a building somewhere else on the property, but Mr. Badenhausen believes it would be inefficient to house maintenance equipment and supplies in two different areas of the land. He further stated that at the present location they are only able to expand towards Monroe Street, as the graves on the site limit their space.

Mr. Badenhausen alerted neighbors to the project by circulating a notice, and the primary neighbor who will be affected is very enthusiastic about the renovations.

Also being proposed is the construction of storage bins to the east side of the building for top soil and cedar mulch. The applicant currently has bins that do not work well; he would like closed and locked bins to stop thieves from stealing his materials, which occurs currently. A lengthy discussion was carried regarding the maintenance building and the proposed storage bins.

The meeting was open to the public for questions to Mr. Badenhausen; no one appeared to be heard.

Summary of Testimony - Arturo Palombo, Project Architect.

Mr. Palombo reviewed exhibit A-3 with the Board which consisted of existing and proposed buildings. He stated to have explored numerous configurations and locations for the building that is to be constructed, and he believes that this is the most efficient and least obtrusive place. The building that is to be torn down is clad in asphalt shingles, and is neither attractive nor practical. The applicant

would like to replace the building with something that is sympathetic to the existing architecture. The bins to the north currently house all storage material. By enclosing the material they are minimizing the impact of the contents to the neighbors by preventing smells and windborne debris.

The adjacent buildings will be restored as well; windows and doors will be replaced while still maintaining the existing character as well. The most notable change will be on the second floor within the existing brick building. The loft area will be converted into a locker room, bathroom, changing area, break room, and office. On the ground floor, a handicapped toilet will be installed, as well as a staircase that is compliant with building codes. The renovation will allow for a drying area for wet clothing on the first floor, and will create an overall better distribution of equipment. The length of the proposed brick structure is less than 60 ft., while the existing building is 24 ft. long. The height of the new building will be two feet shorter than the existing building.

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

Summary of Testimony - Richard Schommer, Professional Engineer/Planner.

Currently there are a variety of fences in the area, one chain link and one wrought iron. The chain link fencing is proposed to be removed on the right side of the building and replaced with more wrought iron fencing. The fencing will continue along the property line and tie into the building. In front of the building is a gravel area that is used for access into and out of the building. This area is proposed to be repaved. In front of that is a row of landscaped trees that are in poor condition. The trees are used to screen the maintenance activities from the public, and are going to be replaced with new shrubbery. New landscaping will also be placed all around the building to significantly enhance the appearance. The entire septic system is going to be removed and will be tied into the existing sanitary sewer system. There will be new utility connections, and many overhead lines and utility poles will be eliminated. A new water connection is going to be established. Few activities go on at the site after dark, but some lighting (building mounted, 8 ft. high lights) will be added on the front side of the building, none of which would shine towards the neighbors.

The specific variances the applicant is seeking: a frontyard setback variance for the building which will be 36 ft. from the property line and the storage bins (28.2 ft from line) where 50 ft. is required, a sideyard setback variance where the building will be 4.8 ft. from the property line where 25 ft. is required, height variance where the building will be 24 ft. tall where 15 ft. is allowed, variance for fencing taller than 3.5 ft., variance for parking within the required front yard. The use is already permitted and zoned as CEM (cemetery zoning).

Mr. Schommer prepared a storm water management report. This was requested by the TCC, who wanted to make sure there would be no additional runoff onto Monroe Street once the construction was complete. Some draining improvements will be done, including the installation of dry wells under the new pavement; will help to collect runoff from the site. The TCC also discussed the area where equipment will be cleaned on a concrete pad. The facility is there to trap grass clippings so that no dirty water runoff goes into the sewer system. Mr. Slate had a question about using soap or cleaners in this area, and the applicant agrees to the condition that none be used.

The Board suggested the relocation of the storage bins to an area more in compliance with setback ordinances. Mr. Schommer does not see another location that would be fitting for the bins. There is to be no fuel storage tank on site; fuel is bought from a nearby gas station in 5 gallon gas cans.

The meeting was opened to the public; for questions or comments; the following appeared to be heard.

Mary Lou Martinez

11 Monroe Street

The Board stipulated that standard conditions be applied, plus no soap or cleaners be used to wash down equipment. The applicant is to pay the Town of Morristown any sewer connection fees.

Mr. Romano moved, seconded by Mr. Rosenbush that approval be granted to the application of Evergreen Cemetery thereby permitting the addition and other related improvements on Block 10201, Lot 1 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 March 16, 2009 meeting of the Board.

Roll Call (Voting Members)

Mr. McNally	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Ms. Murphy	YES
Mr. Romano	YES
Mr. Vintschger	YES
Mr. Grayzel	YES
Mr. Haan	YES

Other Matters

Mr. Grayzel stated that at the last Township Committee a resident was concerned about the construction of the condominiums on Old Turnpike Road. Three concrete footprint foundations have been laid, but only one has been built on. There is a question of what would happen if the builder is unable to proceed with the construction; at what point does the builder have to remove the concrete slab? The concrete will only be removed if the builder no longer has the right to build the structure, such as insufficient funds or expiration of permit.

Mr. Humbert informed the Board that preparation for the next meeting is on its way regarding the Master Plan, Mr. Burns stated that notices have gone out to the newspapers for publication and clerks of adjoining municipalities. Mr. Humbert stated to have resubmitted the amended Re examination Master Plan to the Board Secretary, and the re-adoption will occur at the next meeting on March 16. There will be other Master Plan updates regarding the trails plan which was previously referred to the TCC for further review and the zoning map which will be updated.

Mr. Slate discussed a proposal from the County to digitize the Master Plan maps and Zoning map. He is currently working on a digital copy of the Zoning map.

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 10:45 pm.

Respectfully submitted,

Sonia Santiago

Sonia Santiago, Secretary
Township of Morris Planning Board