

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
MARCH 16, 2009**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening March 16, 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 March 9, 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
Ms. Linda Murphy, Alternate #1

Present Via Telephone

Mr. Jeffrey Grayzel

Members Absent

Mr. Kevin McNally, Alternate #2

Professionals Present

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

PB-04-09, Cromwell Hills Pool Assoc.

Site Plan/Waiver

Block 9603, Lot 3, 18 Weather Vane Drive, RA-15 zone.

Applicant proposes reconstruction of a 720 square foot pool house, destroyed by fire.

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

TCC report dated March 5, 2009 read for the record by Mr. Adrian Humbert, Professional Planner.

Mr. Daniel Bromage, President of Cromwell Hills Pool Association entered his appearance and presented the application to the Board members.

No exhibits were submitted during testimony.

Summary of Testimony - Mr. Dan Bromage, President of Cromwell Hills Pool Association. Mr. Bromage stated that last August the 800 square foot pool house at Cromwell Pool burned down. Mr. Bromage is looking to replace the building with a new 720 square foot pool house on the same footprint as the old one. The plan includes 2 bathrooms, a lifeguard safety area with a sink, an outdoor shower for rinsing, and a filter and pool pump room at the back end of the building. The pool can only open for use this summer if the building is restored, and Mr. Bromage hopes to do so by Memorial Day weekend.

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

Mr. Romano moved, seconded by Ms. Murphy that approval be granted to the application of Cromwell Hills Pool Assoc., Block 9603, Lot 3 thereby permitting the pool house reconstruction with conditions 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 April 6, 2009 meeting of the Board.

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
Ms. Murphy	YES
Mr. Haan	YES

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 December 1, 2008 and February 2, 2009 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.

The chairman announced to the public that the applicant's attorney submitted a letter stating that the applicant's professionals are in the process of updating the plans and he is requesting adjournment for the application until the April 20th meeting and granting the Board an extension of time until May 30, 2009.

Ms. Beth Riordan member of the public opposing to the application requested that this application not be adjourned without further notice. She stated that the applicant should notice all the neighbors within 200 feet of the new meeting date.

Mr. Burns, Board attorney informed the chairman that the law does not permit us to require that the application be continued with further notice. Those people who are interested in the application that did not learn about the postponement showed up tonight. By being here tonight and hearing the announcement that the next meeting will be April 20th. I would suggest that the Board politely decline the request and that is something that we cannot do in this particular case.

Ms. Riordan was instructed by a Board member to contact the Board Secretary to get information on application updates.

The Board carries the application to the April 20, 2009 meeting without further notice.

Mr. Grayzel via phone recused himself from the following application.

Mr. Vintschger and Mr. Doxsee also recused themselves.

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

Site Plan/Variance

Continuation from the February 26, 2009 public hearing, 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 of the campus. The new facility will also contain four tennis courts, a clubhouse and other related improvements.

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

The chairman announced that in this application we will be focusing on phase I of the application, there were some plans that were presented at the last minute at the last meeting that our engineer and the public did not had a chance to look at. This meeting allowed for that review to take place and I think we did have TCC comments.

TCC report dated March 5, 2009 read for the record by Mr. Adrian Humbert, Professional Planner.

The following professionals sworn in by the Board Attorney appeared to be heard.
Theodore Cassera, Professional Engineer

The following were submitted as exhibit during testimony.

A-16 Landscape and lighting plan

A-17 Phase I construction plan

O-1 Summary of comments and concerns provided by Dr. Douglas Munch

O-2 Letter of statement from Mr. Jacob Varsano dated March 16, 2009

Summary of Testimony – Theodore Cassera, Professional Engineer

The applicant has proposed to bifurcate this application into two separate phases in order to facilitate the process. The major components of Phase 1 are a synthetic running track, a synthetic football field, a retaining wall, and underground drainage improvements. The plan includes a berm to be erected behind the tennis courts that will allow for an area for excess soil and to save more trees from being removed. The drainage system for the field and for the proposed club house will be separated and the drainage for the field will be located at the west end of the field. The stone and piping will be installed underground as detention basin storage. By eliminating the detention basin, 8000 yards of waste material will be eliminated. This is similar to the original plan, with the only main difference being the creation of the berm, whose purpose is to decrease the amount of soil that will have to be trucked off of the campus. As part of Phase 2, the proposed berm will be reconfigured so that the tennis courts can be constructed in that area. Soil and stone will, however, still need to be trucked onto the site, with a total of about 1100 truckloads of materials being brought to the campus between April and the end of June. Mr. Cassera met with the County to review the plan regarding tree removal. The new plan will remove 151 trees and replace 107 (where 217 trees is the calculated replacement suggestion)--which saves more trees from being cut down than originally planned. In the event that Phase 2 is not continued with, the applicant will replant trees in any open areas.

The variance regarding fences has yet to be dealt with for this application. The applicant would like the fencing around the track and on the top of the retaining wall to be 4 ft. high as opposed to the 3 ft. 6 in. high for safety and security reasons. Mr. Cassera assured the Board that the fence will not be visible from anywhere but on the campus. The proposed fence is a black vinyl-coated chain link fence, which is regarded as having the least impact on aesthetics.

There is an existing gas and electric line that crosses the field that is proposed to be relocated beyond the retaining wall early on in the construction. In the event that Phase 1 is approved tonight, the applicant asked for, and was granted permission to begin utility work to relocate the gas and electric lines before the application's resolution is adopted at the next meeting. The applicant is aware that he is undertaking this at his own risk. Mr. Cassera assured the Board that he will stake and flag the clearing limit so that the utility company does not remove more trees than planned.

The current seating situation for the football field is approximately 700 fans on the home field (south side of the field) and 500 fans on the away field (in temporary bleachers). The applicant's plan proposes seating for 500 more fans, most of which will be on the south side of the field, making a total of 1,700 seats.

Mr. Cassera addressed parking issues during football games. Currently, the school hires employees of YLP Services from Kenilworth Professional Parking Company to assist in directing fans where to park. During large events that need extra parking, the school utilizes the Upper Abbey Field at the back end of campus (as seen in Exhibit A-2), as well as the JV football field to park up to 430 extra cars. The project along with the South field project will create about 200 new paved parking spaces, creating a total of 676 paved spaces for use at games.

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

Jean Rich	7 Jonathan Smith Road
Dr. Douglas Munch	8 Indian Head Road

Recess is taken at 9:55 pm
Meeting reconvened at 10:03 pm

Continuation of questions and comments from the public

Dr. Lynn Siebert	178 Hillcrest Avenue
Jacob Varsano	223 Mendham Road
Susan Young	President of Wash. Valley Community Assoc.
Ashley McNeill Polly	5 Doe Hill Road

The public was concerned with truck traffic on Washington Valley Rd., quality of life for Washington Valley Historic District residents, water contamination, community and traffic safety in the area, the proposed club house location and size, tree removal, and the project's bifurcation into separate phases.

The Board discussed the applicant's right to put traffic on the road during construction, as protected by laws and regulations. The Planning Board is not authorized to deny an application because of off-site traffic impacts. They can, however, ask the applicant to work with the Board in creating certain conditions regarding truck routes and hours of operation. The Board also suggested the relocation of the proposed club house to be further east, but the applicant stated that this would disturb more trees and steep slopes.

The Board stipulated that the applicant hire a police officer on game days when deemed appropriate, work with the police department to alleviate traffic and parking problems (especially on Indian Head Rd.), and follow reasonable conditions for regulating construction traffic along county roads. The Chairman also suggested that the applicant adjust the site plan to include the cell tower that has already been approved for the site.

Mr. Romano moved, seconded by Ms. Murphy that approval be granted to the application of St. Mary's Abbey/Delbarton thereby permitting the north field construction with conditions as 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 April 6, 2009 meeting of the Board.

Roll Call (Voting Members)

Mr. Bobbin	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Mr. Romano	YES
Ms. Murphy	YES
Mr. Haan	NO

Other Matters

Resolution for adoption of Amendment to the Master Plan Re-examination Report

The amendment includes a change in the language of the report that the Board had prepared and adopted in 2007. The amendment draws the conclusion that the use of the property on Block 10312, Lots 1 & 2 be taken out of the B-11 Zone and placed in the RB-7 Zone. This change is being made to move the lots from commercial use to residential use so that the lots fit in with the surrounding residential neighborhood. The lots are to be used by the Town of Morristown as a DPW Storage Facility, and this will form the basis for the enactment of the Zoning Ordinance that will redefine “essential services” and “essential service facility,” and change the lots’ statuses on the Zoning Map from B-11 zone to RA-7 zone in accordance with the Municipal Land Use Law.

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

On a motion duly made, seconded and carried, the Board accepted the resolution for adoption of the amendment to the Re-examination Report

Resolution for adoption of Amendment to the Master Plan

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

On motion duly made, seconded and carried, the Board accepted the resolution for adoption of the amendment to the Master Plan.

Ordinance #6-09 Amending Chapter 95 and Chapter 57

These ordinance changes are related to the Martin Luther King Jr. Avenue Zoning changes, as well as the language changes related to I-21 zoning regarding essential services. The Board has suggested adding the following clause: “[...] provided however that essential service maintenance facilities shall not include fire houses or stations and/or first aid or emergency aid squads.” Mr. Burns stated that these are specifically included in the definition of “essential services,” but they may partake in some of the nature of what would be otherwise excluded (for example, changing the oil in the fire truck at the firehouse). The primary function is the delivery of the service. Therefore, they are not excluded from the zone but are being taken out of the definition of “essential services” to clarify that while maintenance may occur there, it would not be the main purpose.

On motion duly made, seconded and carried, the Board referred the Ordinance Amendment to the Township Committee for adoption as amended with favorable endorsement that is consistent with the Master Plan.

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 11:20 pm.

Respectfully submitted,

Sonia Santiago

Sonia Santiago, Secretary
Township of Morris Planning Board