

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
APRIL 6, 2009**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening April 6, 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 30, 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, 7:33 pm
Mr. Leigh Tucker Doxsee
Mr. Franz Vintschger
Mr. Jeffrey Grayzel, 7:35 pm
Ms. Linda Murphy, Alternate #1, 7:50 pm

Members Absent

Mr. Anthony Romano
Mr. Kevin McNally, Alternate #2

Professionals Present

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

Resolutions

PB-08-08, Normandy Real Estate Partners

Site Plan/Variance

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

Applicant proposes to fulfill compliance with a resolution condition from a prior approval, as well as the changes that have been made to that resolution, granted by the Planning Board on March 16, 2009. 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. Vintschger moved, seconded by Mr. Loughman, 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 March 16, 2009 meeting.

Roll Call (Voting Members):

Mr. Loughman	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Mr. Vintschger	YES
Mr. Grayzel	YES
Mr. Haan	YES

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 a variance relief for a 24 foot building height where 15 feet is allowed.

The applicant has requested that the memorialization for the resolution of this application be carried to the next meeting on April 20, 2009.

PB-04-09, Cromwell Hills Rec. 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.

Mr. Rosenbush moved, seconded by Mr. Goss, 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 March 16, 2009 meeting.

Roll Call (Voting Members):

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

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

Site Plan/Variance

Block 4501, Lot 2, 230 Mendham Avenue, OS-GU 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 of the campus.

Mr. Loughman moved, seconded by Mr. Rosenbush, 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 amended, memorializing the action taken by the Planning Board at the March 16, 2009 meeting.

Roll Call (Voting Members):

Mr. Bobbin	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Ms. Murphy	YES

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

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

- Robert Foley, Project Engineer
- Steve Ewing, Acoustical Consultant
- G. T. Tang, Project Architect
- Alan Robinson, Director of Public Safety and Security

The following were submitted as exhibit during testimony.

A-3 Overview of existing site plan with improvements shown, page 2 of 3.

A-4 Proposed site of relocation of emergency generator.

A-5 Picture of Assembly Point A (Gazebo A).

A-6 Picture of Assembly Point B (Gazebo B).

Summary of Testimony – Bill Bergman, Attorney for the applicant.

The emergency generator on site has been at its present location since the fall of 2006, and the original application requested a rear yard setback variance to maintain it. However, in response to concerns raised by the Board and members of the public, the applicant has decided to submit a plan to relocate the generator at a location that puts it in compliance with ordinances. There will be testimony tonight demonstrating that the noise emissions during the period of exercise of the generator will continue to be in full compliance with government standards. In the past, the generator has been tested for about 1 hour each week; the applicant proposes to test the generator for only 15 minutes per week in the future.

Summary of Testimony – Robert Foley, Project Engineer.

The existing principle building on the property has a 444.2 ft. front yard setback; the proposed location of the generator will have a 479 ft. setback from the South Street property line. The generator will still be in the southeast corner of the building, but now it will be in compliance with setback ordinances. There are three gazebos that are being discussed tonight. Gazebo A sits right on the 300 ft. front yard setback, Gazebo B is roughly at the midpoint of the parking lot and is 177 ft. from the common boundary line, and Gazebo C is at the rear of the property adjacent to the detention pond, 161 ft. from the boundary. No changes have been proposed to the existing gazebos.

The closest residence to the proposed new location of the generator is 250 ft. away, which is further than the current location. The proposed location is in full compliance with Township setback ordinances along the boundary line between residences. The generator will be sitting on a concrete slab with bollards around it. It is proposed to run on a weekday between the hours of 9AM-5PM—specific day and time is subject to the DEP's review of air quality in the area.

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

Juergen Boysen

48 Blackberry Lane

Summary of Testimony – Steve Ewing, Acoustical Consultant.

The operation of the emergency generator at its relocated site still complies with all applicable government noise standards. Its new location will move it further from property lines, putting it in even more compliance than before. Mr. Ewing took his acoustic measurement of the property on October 22, 2008 between the hours of 8PM and 9PM.

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

Kathryn Grieder

44 Blackberry Lane

Juergen Boysen

48 Blackberry Lane

Summary of Testimony – GT Tang, Project Architect.

Mr. Tang testified at the last meeting that the present location of the generator was the best location. The proposal for the new location of the generator will be inside of a parking space, and therefore doesn't interfere with any walkways, handicapped ramps, etc. Exhibit A-4 accurately depicts what is expected to be seen after the relocation of the generator.

There are trees and other buffering around the generator, but one side needs to be accessible and cannot be blocked. The generator is approximately 10 ft. in height. The applicant agrees to add more buffering next to the existing tree island.

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

Jeffrey Eger	42 Blackberry Lane
Juergen Boysen	48 Blackberry Lane
Kathryn Greider	44 Blackberry Lane

Recess taken at 9:30PM
Meeting reconvened at 9:45PM

Summary of Testimony – Alan Robinson, AHS Director of Public Safety & Security

Mr. Robinson is responsible for fire safety, emergency and disaster planning at AHS. All employees are given emergency instruction booklets that inform them what to do in the event of an emergency, including cases where complete evacuation of the building is necessary. As stated by code, safe evacuation of the building requires an assembly place for everyone to meet at in order to take a head count. It is unreasonable to evacuate the employees to the parking lot for safety reasons and because they risk getting in the way of first response responders. This Atlantic Health System building is required by DYFS to complete a monthly fire drill because of the childcare provided on site.

There are 2 gazebos currently on the site that have been there since before AHS owned the property. The applicant is asking for permission to retain these two gazebos because they were never properly approved. In addition, the applicant is asking to add an additional gazebo in the parking lot, approximately 500 ft. from the building. The purpose of this new gazebo would be to accommodate more of the growing number of employees in the event that an emergency occurs during inclement weather. The primary use of the gazebos would be for emergency evacuation assembly points, not for recreation or the like.

The gazebos have no foundations and are completely transportable. Smoking is not permitted anywhere on AHS grounds, including inside the gazebo. Gazebo C is prepared to be installed when deemed appropriate.

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

Juergen Boysen	48 Blackberry Lane
Kathryn Greider	44 Blackberry Lane
Jeffrey Eger	42 Blackberry Lane

The meeting was opened to the public for comments; the following persons were sworn in by the Board attorney.

Juergen Boysen	48 Blackberry Lane
Katherine Greider	44 Blackberry Lane
Jeffrey Eger	42 Blackberry Lane

The Board stipulated that additional buffering be planted alongside the edge of the parking lot on the south face of the generator in order to mask the view of the neighbors. The applicant must also extend the arborvitae line by 2 more trees. The generator is to be exercised 15 minutes a week on weekdays between 9AM and 5PM. The applicant must modify its plans for a border fence to make it 6 ft. high. All other reasonable conditions based on the evidence are also stipulated.

Mr. Rosenbush moved, seconded by Mr. Bobbin that approval be granted to the application of Atlantic Health System thereby permitting the placement of an emergency generator and third gazebo on Block 7003, Lot 16 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 May 4, 2009 meeting of the Board.

Roll Call (Voting Members)

Mr. Bobbin	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Mr. Doxsee	YES
Ms. Murphy	YES
Mr. Vintschger	YES
Mr. Grayzel	YES
Mr. Haan	YES

Other Matters

A. Zone change for Carriage House, LLC, Block 3103, Lot 60, 74 Kahdena Road. Consideration of the removal of the age restriction on the property/project.

The Board received a letter from the applicant dated March 30, 2009 asking that it review the current zoning of the above referenced property. The letter recommended a change in zoning in order to eliminate the age restriction of 55+ for prospective buyers.

An informal meeting was held and the following persons appeared to be heard.

Patrick O'Neill, Owner of Fenix Investment and Development
Michael Tobia, Professional Planner
Jeffrey Otteau, President of Otteau Consulting Firm

Summary of Testimony – Patrick O’Neill, Owner of Fenix Investment and Development.

Mr. O’Neill’s company became involved in this project about 18 months ago, and has since overseen the complete construction of the loop road and units 1 and 3 (nearest to the corner of Kahdena Road). Units 2, 4, and 6 have so far only been partially constructed. His company has already initiated its marketing and sales activities, including hosting an open house this past Sunday. Mr. O’Neill has been hearing from prospective buyers that the main deterrent to buying these homes is the age restriction that has been placed on them. Home buyers are concerned with resale value; they are afraid that when they go to sell their home in an age restricted development, they will encounter difficulties due to the demographics of the area. For this reason the applicant is requesting that the Board consider making a change to the application to completely do away with the age restriction on these townhomes.

Summary of Testimony – Michael Tobia, Professional Planner.

The townhomes that are currently being built by this applicant are the largest and most expensive town houses in this community. All physical properties of the development will remain the same; the applicant is only asking that the development open itself up to all ages of buyers. Mr. Tobia feels that the units themselves attract empty nesters, with or without the age restriction. Due to the set up of the floor plans, the lack of recreation areas for children, and the high prices of the homes, he believes that young families with children will not be attracted to the area. Mr. Tobia’s own survey of 1100 units of townhouses in the area, in addition to a Rutgers University study on the topic, proves that units similar to these attract virtually no school age children.

Summary of Testimony – Jeffrey Otteau, President of Otteau Consulting Firm.

The housing market has been greatly weakening in New Jersey, and the effects on age restricted markets are the greatest. New Jersey’s high cost of living creates a disproportionate effect on higher age households—retirement age couples are finding it harder and harder to live in this state. A recent study by the AARP on home buying plans found that the number of household heads aged 55+ who are planning to move into a new house prior to retirement has been cut in half. An overwhelming amount of people are waiting until after they retire from their jobs, and then moving out of the state to a more affordable area. Baby boomers are going to begin to retire in the next 2 years at a rate of 10,000 people per day, and this market pool will only decrease more.

The Board discussed the logistics of a change in zoning from a PRC to TH. There is the option of maintaining the PRC zone and adding a comment into the plan to disregard the age restriction, or the applicant could seek to entirely change the zone from PRC to a TH-2 and follow through with revisions to the ordinance and an amendment to the Master Plan. The Board wants to determine what is appropriate for this property, and then direct the TCC to look into the mechanics of the change. The age restriction was originally offered as something that the governing body was interested in terms of having a complete housing spectrum and creating a type of housing that was not in the zone plan of the municipality at that time.

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

David Annolick	5 Netherton Terrace
Greg Taylor	9 Netherton Terrace
Tom Duetsch	11 Netherton Terrace

Mr. Rosenbush moved, seconded by Ms. Murphy, that no final decision be made tonight on the matter at hand, and that the professionals provide guidance to the Board on how to change or lift the age restriction to the Carriage House property.

Roll Call (Voting Members)

Mr. Bobbin	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Mr. Doxsee	YES
Ms. Murphy	YES
Mr. Vintschger	YES
Mr. Grayzel	YES
Mr. Haan	YES

B. Citizen Guide for discussion

This discussion has been postponed to the following meeting, April 20, 2009.

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 12:10 am.

Respectfully submitted,

Sonia Santiago

Sonia Santiago, Secretary
Township of Morris Planning Board