

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
APRIL 20, 2009**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening April 20, 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 April 13, 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

Charles Latini, Board Planner
Adrian Humbert, Board Planner, 9:50 pm
Brian Burns, Board Attorney
James Slate, Board Engineer
Sonia Santiago, Secretary

Consideration for approval of the minutes of the January 12, 2009 regular and reorganization meeting and the February 2, 2009 regular meeting.

Mr. Rosenbush moved, seconded by Mr. Grayzel, unanimously carried, the minutes of the January 12, 2009 and February 2, 2009 meetings were approved as circulated and placed on file.

Resolutions

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.

Mr. Rosenbush 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 2, 2009 meeting.

Roll Call(Voting Members):

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

PB-10-07, Atlantic Health System Site Plan Waiver/Variance
Block 7003, Lot 16, 475 South Street, OL-40 zone.

Applicant proposes to maintain the existing gazebos on site and install a third gazebo creating a side yard setback of 161 feet where 175 are required. The applicant also seeks site plan approval for the placement of an emergency generator and the installation of a 6 foot fence along the property line.

The approval for the resolution of this application has been carried to May 4, 2009.

Public Hearings

**Certified Shorthand Reporter 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, December 1, 2008, February 2, 2009 and March 16, 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.

Mr. Douglas Henshaw, 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.

Rusty Schommer, Professional Engineer

The following were submitted as exhibit during testimony.

A-10, colored rendering subdivision plan

A-11, Slopes analysis

Summary of Testimony - Mr. Douglas Henshaw, Attorney

Mr. Henshaw stated that his client has eliminated any variance relief request with reference to slopes; he would like to bring the plans in further compliance with ordinances. Dr. Meer no longer wishes to build a house on either of the lots being created; he has decided this is not the place to try to build a house this large. The modified plans are much more like those of a typical subdivision, with a prototypical building envelope and house structure.

Summary of Testimony - Mr. Richard Schommer, Engineer.

Mr. Schommer stated that there has been a change in approach to the subdivision, with the main distinction being that Dr. Meer no longer plans to build a house on one of the lots. The layout has been modified slightly; the lot lines dividing the lots have changed, but all 3 lots are still in the same location. Lot 7.01 will contain the house where Dr. Meer presently lives. It has increased in size to 47,054 SQFT, Lot 7.02 is largely in RA-15 zoning, and its area has been increased to 30,808 SQFT and the location of the driveway has been slid downhill slightly to lessen the slope of the driveway. The house has been shifted to the east so that it is entirely within the RA-15 zone portion of the property--this eliminates one of the previously requested variances. Lot 7.03 is for the most part the same, aside from an increase of size to 68,129 SQFT. The previously requested side yard setback variance has been dropped because the house will now sit 50 ft. from the property line on each side.

The road width (20 ft.) and design is the same. The applicant has added some retaining walls around the cul de sac to accommodate the limited grading along the westerly property line. The cul de sac radius is planned to be 36 ft. where 40 ft. is required by ordinance in order to limit impervious surface. Fewer trees will need to be removed, and additional street trees may be planted. A sidewalk is required, but Dr. Meer has not proposed this under his application because it would only serve 2 lots. Adjustments have been made to reduce total areas of disturbance.

There was some discussion of Technical Variance 95-7C2 dealing with zone boundaries on Lot 7.02. Mr. Schommer assured the Board that all requirements will be met with the exception of the side yard setback requirement from the zone line. On Lot 7.03, the wall heights are proposed to be 6 ft. tall, which is in excess of the maximum of 4 ft.

The Board was referred by Mr. Schommer to sheet 9 of Exhibit A-11 to discuss steep slopes. Regarding Lot 7.01: the only proposed slope disturbance will be during construction of a sanitary sewer that crosses 17% of the >25% slope area, which is allowed due to it being necessary for utility purposes. Regarding Lot 7.02: 33% of the 20-25% slope gradient will be disturbed, which is in accordance. 37% of the >25% slope will be disturbed, but this is all associated with driveway construction and utilities. Regarding Lot 7.03: 44% of the 15-20% slope will be disturbed where 50% is permitted. 27% of the 20-25% slope will be disturbed where 33% is permitted. 24% of the >25% slope gradient will be disturbed for the driveway and associated grading.

A lengthy discussion ensued regarding steep slopes and the OS-GU requirement. The applicant proposed to comply with the limitations of disturbance.

The meeting was opened to the public; the following person appeared to be heard.
David Scalera, Attorney for Ms. Riordan and Ms. Nahama.

The Board agreed that the changes to this plan are substantial and require a number of technical questions, and so the applicant should report back to the TCC to go over the plans. The application was referred to the TCC meeting on May 21, 2009 at 10:00am. The applicant will reappear before the Planning Board on June 1, 2009, with no further notice. The Board was granted an extension until July 31, 2009.

**Recess taken at 9:35pm
Meeting reconvened at 9:50pm**

PB-01-09, Morris County Golf Club

Site Plan /Waiver/Variance

Block 9101, Lot 2 & 3, 36 Punchbowl Road, OSGU zone.

Applicant proposes the demolition and reconstruction of the club's swimming pool and pool house. The facility will also include a tennis court and other related improvements.

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

Mr. Greg Coffey, Attorney for the applicant entered his appearance. Mr. Coffey asked to step down for this application due to a conflict of interest. Mr. Daniel Bromage, CEO of the Morris County Golf Club presented the application to the Board.

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

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

Mr. Daniel Bromage, CEO of the Morris County Golf Club
Mr. Richard Schommer, Engineer
Mr. Jeff Rawding, Architect

The following were submitted as exhibit during testimony.

A-1, Colored Site plan sheet 1 of 2
A-2, Colored Site plan sheet 2 of 2
A-3, Photograph of site taken 4-17-09

Summary of Testimony - Mr. Richard Schommer, Engineer.

The Golf Club contains an existing pool facility and 10 tennis courts in addition to the golf course. The applicant's plan is to demolish the existing pool, pool house, equipment building, sheds, concrete pool deck and walkways and completely renovate them. The tennis courts located at the west end of the pool will be relocated further west, while the other existing 8 courts have no proposed changes. The applicant is requesting a variance to build a 10 ft. fence around the new tennis courts, which is standard. A new retaining wall is proposed along the southwesterly side of the pool area, where relief is being requested to allow disturbance of 2,637 SQFT of steep slopes. The applicant is seeking a manmade water course drainage feature waiver for a 75 ft. riparian buffer. Drainage from the pool patio area will be collected and discharged into an underground dry well system. Soil testing on site, at the request of the TCC, was completed and determined that the soil is suitable for this type of drainage. There is some lighting proposed for the pool area.

The parking area will also be redone, with parking spaces and aisles all adhering to standard widths. However, the lengths of the spaces are proposed to be 18 ft. long where 20 ft. are required, and the aisles are proposed to be 24 ft. long instead of the required 25 ft. This is a common practice for parking lots and will cut down on impervious surface. There are currently 45 spaces in the pool area, which will be increased to 53 (giving the parking lot a total of 187 spaces). This will put the Golf Club more in conformity with the ordinance that requires 180 spaces for a golf club this size. As for the driveway, a turnaround will be constructed at the end of the parking area, which will greatly improve traffic flow. On the north side of the parking lot, a stone drain is being proposed to allow sheet flow of water into the ground. There is a proposed additional walkway on the south side of the parking lot to aid members in walking from their cars to the pool. Some low intensity lights will be installed in the parking area for use by employees leaving late at night. Cutoff type fixtures will be used to shield the neighboring houses from the light spillage. A member of the Board suggested a speed hump because of the parking lot's length. The applicant accepted as a condition for approval that the parking lot lights be put on timers to ensure that they do not remain on all night.

The Board stipulated that the applicant must keep a record of the impact of the slope disturbances after construction. If relief is granted, the applicant must adhere to a variety of conditions that come with it; for example, a conservation restriction zone management plan.

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

Diane Holland

26 Northbridge Rd.

Dr. Ronald Carlin

20 Pilgrim Ct.

Due to the late hour, the application was carried to the May 4, 2009 meeting of the Planning Board, with no further notice.

Other Matters

A. Zone Change - Wheatsheaf Farms

The issue was brought to the most recent TCC meeting, and a draft ordinance was created dealing with the proposed PRC zone change to eliminate the age restriction on the proposed town homes. Section 1 modifies permitted uses in a PRC district. It does not change any existing rules, but adds the inclusion of non-age restricted townhouses. Section 2 specifically lists and defines non-age restricted townhouses (the definition of which is copied directly from the existing ordinance). Section 3 is a modification to the introduction to the bulk standards in the ordinance, stating that permitted uses in this zone must comply with development standards, and clarifying that town houses are governed by the standards applicable to age restricted housing. Section 4 borrows from state legislation that is soon to be signed dealing with a similar matter stating that in order to convert a zone from age restricted to non-age restricted; the applicant must get site plan approval from the Planning Board. Section 5 details the necessary conditions that must be met once the modified site plan has been approved by the Planning Board.

The Board questioned whether the entire zoning status should be changed so as to no longer consider this a PRC community. This is no longer a retirement community, it's a group of townhouses--calling it a planned retirement community is false and could be misleading. In order to create a new zone, the TCC would have to write an entirely new ordinance.

There was some discussion over a courtesy notification of this discussion to the neighbors of Wheatsheaf. Mr. Osmun sent out an overnight notice to neighbors, due to the lateness with which he received a list of their names and addresses. The Board also questioned whether the bill that is currently waiting to be signed by the governor could supersede what is decided tonight. It is understood that anything that is decided prior to the signing will be grandfathered in. The Board also agreed that the zone should also be changed to permit not only non-age restricted townhomes but also single family homes due to the issue of the existing single family Carriage House on the lot.

Mr. Loughman motioned, seconded by Mr. Romano, to accept the approach to make the Wheatsheaf property non-age restricted, and to refer the ordinance to the Township Committee for consideration with qualification that we clarify that not only townhomes but also single family dwellings will be permitted in the zone.

Roll Call (Voting Members)

Mr. Bobbin	YES
Ms. Loughman	YES
Mr. Goss	YES
Mr. Rosenbush	YES
Mr. Doxsee	YES
Mr. Romano	YES
Mr. Vintschger	YES
Mr. Grayzel	NO
Mr. Haan	YES

B. Citizen Guide

The discussion of the Citizen Guide was carried to the May 4, 2009 meeting.

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 11:44 pm.

Respectfully submitted,

Sonia Santiago

Sonia Santiago, Secretary
Township of Morris Planning Board