

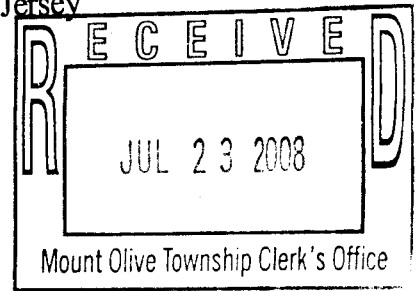
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**MINUTES OF THE REGULAR MEETING  
MORRIS COUNTY PLANNING BOARD**

30 Schuyler Place  
June 19, 2008

Morristown  
New Jersey



**CALL TO ORDER**

Chairman Falkoski called the meeting to order at 7:33 p.m.

**OPEN PUBLIC MEETINGS LAW**

Chairman Falkoski stated that the Secretary of the Board provided public notice of this meeting in a legal notice dated January 29, 2008.

**ROLL CALL**

Those present were:

- Joseph Falkoski, Chairman
- Matthew Sprung, Vice Chairman
- Steve Rattner, Secretary
- Steve Hammond, County Engineer
- Stu Klatzman
- Isobel Olcott
- Everton Scott
- James Murray, Freeholder Alt. (arrived late)
- Ted Eppel, Alt 1
- Ed McCarthy, Alt 2 (arrived late)

- Barry Marell, Board Attorney
- Walter P. Krich, Jr., Department Director
- Raymond Zabihach, Planning Director
- Anthony Soriano, Supervising Planner
- Greg Perry, Supervising Planner
- Kevin Sitlick, Sr. Planner
- Rene Axelrod, Recording Secretary

**REVIEW OF MINUTES**

Ms. Olcott moved approval of the Minutes of the May 15, 2008 meeting. The motion was seconded by Mr. Klatzman and was unanimously approved by voice vote.

**DIRECTOR'S REPORT**

The May 2008 Director's Report was accepted and will be placed on file.

**REPORT OF FUNDS RECEIVED**

Funds for May 2008 totaled \$4,573.00.

**FUTURE MEETINGS**

There were none to Report.

## COMMITTEE REPORTS

### Environment and Watershed

Mr. Sprung stated that each committee member received a copy of the Morris County Wastewater Management Plan (MCWMP) Request For Proposal (RFP) that was placed on the County website on June 7, 2008. Mr. Sprung noted that he had read the proposal and felt that the County is being asked to work for the NJDEP. There is no flexibility to insert County or municipal concerns except to follow all the NJDEP rules and regulations and thereby pushing the unwritten agenda of NJDEP. Ms. Olcott asked what role the Morris County Planning Board will have in this process. Mr. Zabihach stated that the Planning Board will be invaluable in assisting the staff in communicating with our municipalities. When the NJDEP Water Quality Management Rules are published in the New Jersey Register and go into effect in July, a completely revised wastewater management planning process will be initiated. There may be a great deal of misunderstanding about the County's responsibility and the Board can be an important advocate to help explain the new process. Mr. Zabihach also informed members that on Monday, June 23, 2008, the County will host a meeting with interested consultants should they need any clarification of the RFP. Consultant proposals are due by July 10, 2008. A Technical Review Committee is expected to select a consultant by July 16, 2008. The NJDEP Wastewater Rules give the 21 Counties a nine month deadline from the July New Jersey Register publication date to complete their respective plans.

### Land Subdivision and Zoning

*Developments Reviewed* – Mr. Rattner highlighted several applications that the Committee reviewed, most of which are redevelopment sites. Mr. Rattner stated that decisions on the applications for the Morris County Home & Garden Center (Agway) on the corner of East Hanover and Ridgedale Avenues in Morris Township and the Church of Good Prophecy on South Main Street in Wharton Borough have been withheld due to incomplete submissions. A discussion followed.

Mrs. Olcott made a motion to approve the Report of Actions Taken on Development Plans for May 2008, which Mr. Klatzman seconded. The motion was approved by voice vote.

### Legislative and Municipal

*Recent Legislation* – Mr. Soriano highlighted several bills in his seven page Legislative Report. Assembly Bill A500, which was discussed at the last several Planning Board meetings, revises the Fair Housing Act. Mr. Soriano informed members of a companion bill, S1783, in the Senate. This bill was revised overnight to become a companion bill to A500 and is proposed to be voted on by the Senate on Monday. Mr. Sitlick reviewed these bills compared to their previous versions and reported on the changes to the members. Discussion took place during the report. Mr. Soriano also reported on two other companion bills, A2785 and S2022, concerning affordable housing, which would allow regional entities such as the Highlands Council and the Meadowlands Commission to develop fair share housing plans to address COAH obligations on a regional level. A discussion followed.

***Master Plan & Land Use Ordinance Monthly Report*** – Mr. Soriano reported that there were two master plan amendments submitted to the County since the last Planning Board meeting. Mendham Township adopted a Recycling Plan Element in accordance with the Morris County Solid Waste Management Plan . Mendham Township also adopted a Reexamination Report to meet their six year MLUL requirement.

Referring to the Zoning Ordinance Report for May 2008, Mr. Sitlick highlighted two adopted ordinances. The Borough of Madison adopted two new zoning districts, the Gateway I and the Gateway II Zones, which would provide reasonable age-restricted and senior citizen multi-family, offices, medical offices as well as institutional and public uses. The Township of Montville adopted an ordinance to add two new zoning districts for the Towaco Center - the Towaco Center Core (TC1) and the Towaco Center Transitional (TC2) Zone Districts. Both zones are transit oriented and promote mixed use development.

### **Long Range Planning**

Chairman Falkoski welcomed Mr. Frank Pinto, Division Director, Preservation Trust and Katherine Coyle, Assistant Director, Morris County Agriculture Development Board (CADB). Prior to the presentation by Mr. Pinto on the Morris County Farmland Preservation Plan, Ms. Olcott noted that the Long Range Committee members were given a copy of the proposed plan to review after last month's meeting. Mr. Pinto first explained the plan requirements according to the New Jersey Department of Agriculture rules and then explained the basic farmland preservation approach undertaken by the CADB. Mr. Pinto stated that the County staff initially looked at every farmland tax assessed property in the County. The CADB policy established a threshold which determined that farms worthy of preserving had at least ten acres. The adoption of the proposed Farmland Preservation Plan by the Morris County Planning Board is the first step in obtaining State Agriculture Development Committee (SADC) approval of the preservation program. By not following State procedures, the County would be ineligible to receive farmland preservation funds in the future. With regard to the public hearing, Mr. Krich asked about the situation if a farm owner questions not being designated for preservation in the plan. Ms. Katherine Coyle stated that all farms targeted in the plan meet the minimum County and State criteria and the County has the ability to update and/or amend the plan annually.

After detailing the logistics of the joint Morris County Agriculture Development Board and the Morris County Planning Board Public Hearing on July 17, 2008 in the Freeholder's Meeting Room, discussion followed.

### **LIAISON REPORTS**

#### **Flood and Drainage Study Committee**

Nothing to report.

### **Lake Hopatcong Commission**

Mr. Zabihach informed members that the April 21, 2008 meeting Minutes are in the members' binders.

### **Lake Musconetcong Regional Planning Board**

Mr. Rattner highlighted recent articles, editorials and opinions appearing in the Daily Record about Lake Musconetcong. Mr. Rattner informed members that the annual weed harvesting was supposed to start in June but the lake is no longer navigable for power boat use due to the extent of weed growth which negated weed harvesting this year. The Regional Board is trying to submit a grant to NJDEP to research the existence of an endangered species noted in a study several years ago which NJDEP staff recently uncovered. The presence of endangered species will prevent the issuance of any NJDEP approvals for Lake Musconetcong. A discussion followed.

### **Morris County Open Space & Farmland Preservation Trust Fund**

Mr. Klatzman informed the Board of two closings - Valley Brook Springs in Mendham Borough and Hog Penn in Boonton Township. Mr. Klatzman also stated that there will be three additional closings scheduled for next week.

## **CORRESPONDENCE AND REPORTS RECEIVED**

Mr. Zabihach had nothing to report.

## **REPORTS OF MEETINGS**

Highlands Council - Mr. Soriano informed members of three Highlands Council meetings he attended during the past month. Mr. Soriano stated that the meetings have centered on revisions responding to both public and council comments to the second version of the Regional Master Plan. Mr. Soriano gave an overview of some of the major issues. He gave details on the provisions for a 300 foot buffer for Highland Open Waters as required in the Highlands Act. The Highlands staff has suggested allowing a reduction in the 300 ft buffer requirement in instances where there is existing development or other disturbance within the 300 foot area.

The other controversial issue pertains to existence of two septic standards for the Highlands Planning Area. Under the NJDEP Highlands rules, the Highlands Council has to perform a consistency review for all amendments to Water Quality Management Plans prior to NJDEP approval. Mr. Soriano noted that the ongoing debate centers on whether or not, as part of the consistency review, the Council will use the NJDEP statewide standard for nonconforming Planning Area municipalities, or whether the Council will use its three (3) nitrate dilution standards identified in the Highlands Regional Master Plan as appropriate for conforming Planning Area municipalities. Should NJDEP accept the Highlands Council's advocacy of the three (3) septic standards, nonconforming municipalities in the Planning Area would be forced to accept the Highlands Regional Master Plan septic standards. This would be contrary to the Highlands Act intention that conformance with the Regional Master Plan by Planning Area

municipalities remain voluntary. In effect, the Highlands Council would use the NJDEP to enforce a standard that was supposed to be voluntary, creating a "back door" requirement not intended in the Highlands Act. Finally, he noted that Council staff has finally done a preliminary build-out analysis of the Highlands Region. Mr. Soriano handed out the analysis report which presents three build-out scenarios. A discussion followed.

The Highlands Regional Master Plan is still scheduled for adoption by the Highlands Council on July 17, 2008.

New Jersey State Development and Redevelopment Plan - Mr. Soriano attended recent State Planning Commission and State Plan Development Committee meetings. The Commission is still striving to create a revised State Development and Redevelopment Plan which is now four years overdue. During an all day meeting, the Commission heard presentations by the NJDEP regarding the Water Quality Management Rules and the overdue New Jersey Water Supply Master Plan. A staff attorney for COAH also made a presentation describing many of the COAH rule changes made in response to public comments. At the Plan Development Committee meeting, Marty Birnbaum, Director of the New Jersey Land Use Institute at the College of New Jersey made a presentation on various planning policies for the Commission's consideration for inclusion in the State Plan. Mr. Birnbaum is under contract to write the Plan for the State Planning Commission. A discussion followed.

#### **OTHER BUSINESS**

**County Wastewater Management Plan** – As noted in the Environment and Watershed Committee section above, Mr. Zabihach continued the discussion of our outreach efforts with Morris County municipalities. Logistically, the most effective approach to meet with our municipalities was to create regional groups based on common sewage treatment facilities and/or septic areas. Mr. Zabihach stated that after the July 8, 2008 regional orientation meeting in Parsippany, County staff will meet with Mr. Larry Baier, NJDEP, who will introduce the NJDEP staff that will be working with us on the WMP. Mr. Baier will also be promote the proposed NJDEP grant application package which could provide each county with up to \$100,000 for developing its wastewater management plan. This meeting will also afford County staff an opportunity to discuss several issues which remain unclear, such as the disaggregation by municipality of the remaining capacity from a regional sewage treatment plant, such as the Two Bridges wastewater facility in Lincoln Park, whose service area extends into three counties.

#### **LEGAL UPDATE**

None to report.

#### **COMMENTS FROM THE PUBLIC**

None

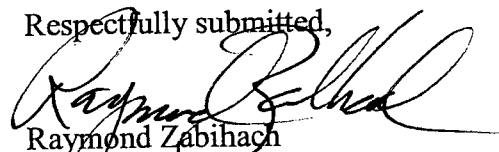
## NEXT MEETING

The next meeting will be held on July 17, 2008 in the Freeholder's Meeting Room to hold a joint Public Hearing with the Morris County Agriculture Development Board prior to the regular meeting which will commence after the close of the Hearing.

## ADJOURNMENT

At 9:05 p.m., Mr. Hammond moved to adjourn the meeting. Mr. Falkoski seconded and all approved by voice vote.

Respectfully submitted,



Raymond Zabihach  
Planning Director