

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
AUGUST 17, 2009**

Call to Order

Meeting of the Township of Morris Planning Board was called to order on Monday, evening August 17, 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 August 12, 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. Rick Haan, Chairman

Roll Call of Planning Board Members and Professionals

Members Present

Mr. Rick Haan, Chairman
Mr. Jeremiah Loughman
Mr. Craig Goss
Mr. Leigh Tucker Doxsee
Mr. Anthony Romano
Mr. Franz Vintschger
Mr. Jeffrey Grayzel, 7:35 pm
Ms. Linda Murphy, Alternate #1

Members Absent

Mayor Scott Rosenbush
Mr. Kevin McNally, Alternate #2
Mr. Laurence Bobbin

Professionals Present

Brian Burns, Board Attorney
James Slate, Board Engineer
Sonia Santiago, Secretary

Professionals Absent

Adrian Humbert, Board Planner

Ms. Santiago requested that the minutes for March 2, 2009 and March 16, 2009 be carried to the next Board meeting.

Resolutions

Consideration of the following resolutions thereby memorializing the action taken by the Board at the June 15, 2009 and July 20, 2009 meetings:

PB-08-07, Braemar at Morris, LLC

Major Subdivision

Block 2806, Lot 1, 12 Valley View Street, RA-15 zone.

Applicant proposes to subdivide the property to create four buildable lots.

Mr. Romano 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 June 15, 2009 meeting.

Roll Call (Voting Members):

Ms. Murphy	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Romano	YES
Mr. Grayzel	YES
Mr. Bobbin	YES

PB-02-09, Colgate Palmolive Company

Amended Site Plan

Block 10401, Lot 3, 191 E. Hanover Avenue, I-21 zone.

Applicant proposes to construct a rail spur building 24.2 feet high where 15 feet is allowed for an accessory structure. Applicant also seeks other variances related to fencing.

Mr. Vintschger moved, seconded by Mr. Doxsee, 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 July 20, 2009 meeting.

Roll Call (Voting Members):

Ms. Murphy	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Doxsee	YES
Mr. Romano	YES
Mr. Vintschger	YES
Mr. Grayzel	YES
Mr. Haan	YES

PB-07-09, Morristown Beard School
Block 10001, Lot 1, 70 Whippany Road, OSGU zone

Amended Site Plan/Waiver

Applicant proposes to construct some limited site changes to the previously approved plans.

Mr. Vintschger moved, seconded by Mr. Romano, 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 July 20, 2009 meeting.

Roll Call (Voting Members):

Ms. Murphy	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Doxsee	YES
Mr. Romano	YES
Mr. Vintschger	YES
Mr. Haan	YES

PB-09-09, Wheatsheaf by Fenix
Block 3103, Lot 60, 74-76 Kahdena Road, PRC Zone

Amended Site Plan/Waiver

Applicant filed an amended site plan application in accordance with the requirements of the ordinance eliminating the age restriction on the project.

Ms. Murphy 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 July 20, 2009 meeting.

Roll Call (Voting Members):

Ms. Murphy	YES
Mr. Loughman	YES
Mr. Goss	YES
Mr. Doxsee	YES
Mr. Romano	YES
Mr. Haan	YES

Mr. Aitchison addressed the Board and thanked them for their time. He informed the Board that they might have to come back to the Board to amend the application regarding the fence, lighting plan, landscaping and the sprinkler system. He recommended the Board reconsider the fire sprinkler system that he agreed to during his approval. It has a red light in front of building number one and there are going to be ten red lights in front of all the buildings, this will look like Amsterdam because of the code requirements. I am asking that you please take a look at this matter. He feels that this will not look right for the project. Mr. Goss stated that the Fire Department requires the red light placed over the fire connection so that they may find the connection at night or day. All commercial, private properties and

residential development that have sprinkler systems do have red lights over the fire connection.

Public Hearing

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, March 16, 2009, April 20, 2009 and June 15, 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.

As per the applicant's attorney request the application is carried to the September 14, 2009 Board meeting without further notice.

Other Matters

Trails Plan – Mr. Slate stated that the trails plan was prepared a while back by Morris Land Conservancy and the TCC looked at the trails plan and picked up on trails specifically in the Master Plan that were not identified on the most recent trails and path way plan. We no longer use Morris Land Conservancy to do our mapping or acquisition for Open Space. We recently contracted with the County in order to do all our Master Plan mapping in an electronic format and we will have all the maps available in the GIS. We recently have met with the County and it looks like it is going to be easier to do the mapping through the County. He hopes to have a draft map to review within the next month or two and hopefully will be able to adopt the maps as part of the Master Plan, including the trails plan by the end of the year.

Electronic Attendance – Mr. Haan addressed the Board in regard to electronic attendance that came up several months ago and we asked Mr. Burns to research it according to the current law. Basically it came down to the fact that the majority of the Board felt that by attending a meeting electronically it is alright but to be able to vote by attending electronically was problematic. According to Mr. Burns's research we cannot have it both ways. If you are listening to a meeting you are technically attending a meeting and you should vote. That leaves us with either saying what we allow electronic attendance or the Planning Board does have the option to set its rule or bylaws to not allow electronic attendance. He wanted to have the Boards opinion on the electronic attendance.

Mr. Burns stated that this is an area were he is certain that there will be evolving law development and we will keep our eyes on it. For the moment the Board does have to make a choice either you are in or you are out. Either you are participating by phone or by other electronic means. His opinion is to stay with the conservative route with the method that we have practiced for many years, you are in the room physically you can see the witness you can hear the testimony live and you can see the exhibits. And that's the reason for the rule saying we don't allow electronic attendance. We think there is a better quality of participation if you are physically present in the room. He did not find anything in his

research that states that the Board has to have it that way. A lengthy discussion was carried about the electronic attendance.

Mr. Romano moved seconded by Mr. Doxsee and unanimously carried electronic attendance is precluded from the Planning Board and to be added to the Board bylaws.

Roll Call (Voting members):

Mr. Goss	YES
Mr. Vintschger	YES
Mr. Grayzel	YES
Ms. Murphy	YES
Mr. Romano	YES
Mr. Doxsee	YES
Mr. Loughman	YES
Mr. Haan	YES

Tree Ordinance – Mr. Slate stated that the Environmental Commission is been working on an update of the tree ordinance. It will be discussed at the next TCC meeting for further review. There is draft language that was done by Mr. Stasse who researched other tree ordinances in other towns. He informed the Board that it will be back in front of the Board within the next couple of months. A lengthy discussion was carried regarding the tree ordinance.

Mr. Goss informed the Board that there are other Counties who are currently using red lights to identify Fire Department connections. The purpose is for identification of sprinkler system.

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 9:07 pm.

Respectfully submitted,

Sonia Santiago

Sonia Santiago, Secretary
Township of Morris Planning Board