

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
MARCH 4, 2019**

Call to Order

The regular meeting of the Township of Morris Planning Board was called to order on Monday evening March 4, 2019, at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Morris, Township of Morris, N.J.

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 February 26, 2019, 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."

The Pledge of Allegiance was led by Mr. Franz Vintschger, Chairman

Roll Call of Planning Board Members and Professionals

Members Present

Mr. Anthony Romano
Mr. Franz E. Vintschger
Mr. Jesse Kaar
Mr. Jeffrey Grayzel, Mayor
Ms. Linda Murphy
Mr. Jeremiah Loughman
Ms. Catherine Wilson, Township Committee
Mr. Todd Goldberg
Mr. Edward Benoit, Alternate #1
Vacant, Alternate #2

Members Absent

Mr. Laurence D. Bobbin

Professionals Present

Mr. Steven Warner, Board Attorney 7:50pm
Ms. Amanda Wolfe, Board Attorney
Mr. Paul Phillips, Board Planner
Mr. James Slate, Board Engineer
Ms. Sonia Santiago, Board Secretary

Nominations for the year 2019:

Mr. Vintschger, Vice Chairman of the Board stated that due to the resignation of Chairman Haan, we are to elect new Chairman and Vice Chair. Vice Chairman Vintschger asked for a nomination for Chairman for the remainder of 2019. On a motion duly made by Mayor Grayzel, seconded by Ms. Wilson, and with no other nominations heard and roll call as indicated, Mr. Vintschger was elected Chairman.

Roll Call (voting members)

Mr. Romano	YES
Mr. Goldberg	YES
Mr. Kaar	YES
Mr. Grayzel	YES
Ms. Murphy	YES
Mr. Benoit	YES
Mr. Loughman	YES
Ms. Wilson	YES
Mr. Vintschger	YES

Chairman Vintschger asked for a nomination for Vice Chairperson for the remainder of 2019. On a motion made by Ms. Wilson, seconded by Mayor Grayzel, with no other nominations heard and roll call as indicated, Mr. Goldberg was elected Vice Chairman.

Roll Call (voting members)

Mr. Romano	YES
Mr. Goldberg	YES
Mr. Kaar	YES
Mr. Grayzel	YES
Ms. Murphy	YES
Mr. Benoit	YES
Mr. Loughman	YES
Ms. Wilson	YES
Mr. Vintschger	YES

A Roll Call with the new Planning Board was held:

Roll Call (voting members)

Mr. Romano	YES
Mr. Goldberg	YES
Mr. Kaar	YES
Mr. Grayzel	YES
Ms. Murphy	YES
Mr. Benoit	YES
Mr. Loughman	YES
Ms. Wilson	YES
Mr. Vintschger	YES

Consideration for approval of minutes of the February 4, 2019 regular meeting

On a motion duly made by Ms. Murphy, seconded by Mr. Kaar and unanimously carried, the minutes of the February 4, 2019 regular meeting were approved as circulated and placed on file in the office of the Planning Board.

Resolutions

Consideration of the following resolutions thereby memorializing the action taken by the Board at the February 4 meeting:

PB-12-18, Philip & Barbara Sellinger
Block 8304, Lot 28, 2 Old Glen Road, RA-15 zone.

Minor Subdivision

Applicant proposes a minor subdivision to create one additional lot.

Mr. Loughman 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 circulated, memorializing the action taken by the Planning Board at the February 4, 2019 meeting.

Roll Call (voting members)

Mr. Romano	YES
Mr. Kaar	YES
Mr. Goldberg	YES
Ms. Murphy	YES
Mr. Loughman	YES
Mr. Vintschger	YES

PB-13-18, Paglianite / Merrywood Development, LLC
Block 1201, Lot(s) 9, 9.01 & 9.02, 4-8 Merrywood Court, RA-35 zone.

Minor Subdivision / Variance

Applicant proposes a minor subdivision, lot line adjustment creating a front yard setback on one of the lots and a rear yard setback for another one of the lots.

Mr. Loughman moved, seconded by Mr. Kaar, 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 February 4, 2019 meeting.

Roll Call (voting members)

Mr. Romano	YES
Mr. Vintschger	YES
Mr. Kaar	YES
Mr. Grayzel	YES
Ms. Murphy	YES
Mr. Loughman	YES
Ms. Wilson	YES

Public Hearing

No new applications for review by the Board.

Other Matters

Leonardo Muñoz, 11 Carlton Street minor subdivision, request for extension of the filing deadline. Mr. Slate stated that the applicant needs additional time relocating the house and that the subdivision cannot occur until the house is moved. Mr. Muñoz is requesting an extension of 120 days for the minor subdivision approval until June 23, 2019.

On a motion duly made by Mr. Romano, seconded by Mr. Kaar, and upon a roll call the following resolution, attached hereto and by reference made part of the official minutes of this meeting, be adopted as circulated and placed on file in the office of the Planning Board.

Roll Call (voting members)

Mr. Romano	YES
Mr. Goldberg	YES
Mr. Kaar	YES
Mayor Grayzel	YES
Ms. Murphy	YES
Mr. Benoit	YES
Mr. Loughman	YES
Ms. Wilson	YES
Mr. Vintschger	YES

2018 Board of Adjustment Annual Report – Mr. Slate stated that the Board of Adjustment by Statute is required to provide its annual report. The report summarizes the number and the different cases heard by the Board in 2018. He further stated that typically if the Board of Adjustment runs into any problem they may ask the Planning Board to look at something. Last year they asked the Planning Board to look at the affordable units at Martin Luther King Avenue. There were no specific applications the Board of Adjustment needed the Planning Board to consider for 2018.

Ms. Murphy moved, seconded by Ms. Wilson and roll call as indicated the 2018 Annual report is accepted.

Roll Call (voting members)

Mr. Romano	YES
Mr. Goldberg	YES
Mr. Kaar	YES
Mr. Grayzel	YES
Ms. Murphy	YES
Mr. Benoit	YES
Mr. Loughman	YES
Ms. Wilson	YES
Mr. Vintschger	YES

Legislative Committee Report - Ms. Wilson asked what the process is for the Legislative Committee. There is as a subcommittee for the Planning Board. Mr. Slate stated that in the past it has been relatively quiet, but if there are issues or legislation coming down the pipeline they would be discussed. Ms. Wilson wanted to follow up on the Vegetation Management bill. The league was strongly opposed to the bill as it would have allowed utilities to bypass all municipal ordinances for vegetation removal. Ms. Wilson stated that the bill has been tabled, but it is concerning as the language is so broad; people had questions on what it meant. Mr. Slate stated that the utility companies will go through the Engineering Department and homeowners; he will get more background information and report back.

Ms. Wilson wanted to also mention the new regulation for stormwater management. There was a workshop on February 7, 2019 that several of our Environmental Commission members went to and that the new rules from DEP went into effect February 1, 2019. Mr. Warner stated it is regulatory, particularly for green infrastructure for a change in the non-structural stormwater management techniques. Ms. Wilson said in her opinion it is important to know about. Mr. Warner said it would impact applications as the engineering testimony would be different from the applicants, objectors and the Township Engineer. Mr. Slate stated that in the past we have hired Mr. Skupien to review the larger applications. Ms. Wilson stated that it is her understanding that there will be a different set of questions applicants will have to answer as the new rules are implemented. Mr. Slate stated that he will follow up and get more background on the stormwater specific requirements.

Transportation Advisory Committee – Mr. Grayzel stated that he would like the creation of the Transportation Advisory Committee to look at traffic problems incurred in the Township. For example Madison Avenue towards 287, development on Park Ave, possible new development at Punchbowl Rd and that corridor in general. Mr. Slate stated that the signaled intersection by Friendly's on Madison Ave is in Morristown and they can change the timing of the signal. The DOT acknowledged a need for there to be 2 lanes of traffic to handle the volume. They had paved and extended the conduit to allow for widening but there were no funds to pull out the islands. He has spoken to DOT over the years; when there is an issue like this, there is a problem statement that gets filed to the DOT. A discussion was carried among the Board and Board Professionals on improving intersections in the Township. The Normandy Pkwy/Columbia Rd intersection and the signals along the frontage of the Honeywell development were reconfigured by the developers. Mr. Warner stated that there are a couple ways to approach setting up the Transportation Advisory Committee. There is not a specific ordinance to establish advisory committees but there is a proposed bylaw on adopting special committees or the governing body can appoint a task force or Planning Board subcommittee. Ms. Wilson stated that the governing body has established a standing committee called the Transportation and Circulation Committee and are looking at drafting an ordinance for the Transportation Advisory Committee based on the recommendations in the Master Plan, and determining membership is part of drafting the ordinance.

2019 Board Rules – General Discussion –Ms. Murphy recommended specifically amending: 1:1-5: to reflect how we operate. 1:2-8&9: special committees are not for long duration and to clarify that they are “pop up” committee and will disband until the next time we need them to ensure we do not have long term special committees. More clarity on the Citizens Advisory Committee is needed on what they are expected to do and how it adds value to what we are already doing. 1:3-7: Ms. Murphy stated she wanted to register her opposition again against electronic attendance as the applicants that come before us should see us eyeball to eyeball. She also agreed with the issue Mr. Goldberg had raised at the last meeting of electronic attendance and alternates. If members could participate by electronic attendance, alternates would rarely be able sit on the Board and that electronic attendance should only be used in rare instances if we could not obtain a quorum by either using our alternates or borrowing members from the Board of Adjustment. Mr. Warner stated that modifications will be made and redistributed for the next meeting.

Update on the Master Plan Re-Examination Report implementation plan progress- Mr. Slate stated that the Historic Preservation Commission (HPC) sent a memo and one of the items was that they are looking to put a check box on the application checklist for an application that the property is 50 years or older. There was previous discussion on that, and the Planning Board felt 50 years was too short of a time period, although there was language that was implemented in the Master Plan Re-examination Report that brought up the 50 year issue. Mr. Warner stated that if a change is made to the official application checklist, the ordinance will have to be amended by the governing body. Mr. Slate stated that this was brought up during the Cube Smart application because there was an old structure being demolished and the HPC was notified late. HPC has concern for a current application on Whippany Road. All Township properties are in the Geographic Information System (GIS). It is like a central data base and those properties that are State registered or National registered in a historic district are flagged in GIS. We discussed that issue further and put those safeguards in place. If someone files a demolition permit, the building department notifies the HPC. If an application is filed for that property, a copy of the application is sent to the HPC for their review. The HPC is asking for a copy of an application for any structure that is 50 years or older. Mr. Slate stated 50-60% of all houses in the Township fall into that category. A discussion was carried among the Board and Board Professionals on the request of the HPC and how to determine the standard of how many years should be considered historic. Ms. Murphy proposed the HPC give further data on what they are trying to preserve and why, in order to give the Board further direction. Mr. Slate stated he will ask them to do more research and we can have further discussion on what is

historic and worth saving. Mr. Warner further clarified that ordinance Chapter 57-159(h) states the Planning Board and Board of Adjustment shall make available to the HPC an informational copy of every application submitted to either Board for development in historic zoning districts or on historic sites designated on the Zoning or Official Map, or in any component element of the Master Plan, or any other application which is deemed by either Board to have historic interest or importance. There are provisions in the land development ordinance for the Township Committee to budget for the expenses, and that the magnitude is up to the governing body.

Sign Standards – Mr. Slate stated that Mr. Grayzel had mentioned about the Cube Smart sign and also the truck that is parked in front, acting like a second sign. Mr. Slate distributed photos of Cube Smart showing the sign and the truck in the background. The signs were discussed at a Board meeting and it was misunderstood that the red and white Honeywell sign was what the Board wanted as the Cube Smart sign. What the Planning Board meant was the more attractive stone sign. Also, that the truck is functioning as a secondary sign. A discussion was carried among the Board members and professionals regarding the truck. It is parked in the front parking lot, whereas the Board agrees it should be prohibited from parking there, that commercial vehicles should be parked in the rear when possible. The zoning officer has the ability to enforce it as a zoning violation. In the meantime, Mr. Slate stated he would reach out to tell them there is no parking in the front. There was further discussion of drafting an ordinance to include no parking of commercial vehicles in the front of properties. A discussion was carried regarding internally versus externally illuminated signs and the Board and Board professionals agree they prefer externally illuminated signs. The Board discussed looking at the sign ordinance, in Chapter 95:38-44, and other sections that talk about signs in residential sections, to see if any changes need to be made.

The other item is regarding architectural design standards. Mr. Slate stated that this is a tough one, because it may be based on individual preferences. Mr. Phillips stated that traditionally in NJ there has not been architectural design regulation and in some communities that have architectural review boards, his experience is that it makes the most sense in doing them with large scale projects, where you have some indication of what the redevelopment will be. Then you can put into the plan specific standards regarding architecture, design, materials treatment, building articulation, fenestration, etc. The problem is that it becomes difficult to do when just dealing with zoning. How do you come up with standards for a single family district that covers 1/3 of the Township? It may be an eclectic style of architecture; do you want to mandate that? Another example is office zone; do you want to start mandating style and architecture? How far do you want to go, and how do you come up with a reasonable balance with the fact that it is a largely built out community. Mr. Phillips requested feedback to take back to TCC to see how we can take it to the next level. A discussion was carried regarding design standard among the Board members and professionals. Ms. Murphy stated that the Master Plan contemplates that we will have knock downs and infill development within existing residential areas. Spring Brook has had new bigger homes built that look alike. Rather than apply standards in a blanket way across an RA-15 or RA-25 zone, we could apply it to Redevelopment (big "R") and redevelopment (little "r") and infill development; then you would not get cross wise with existing residential owners and could begin to see a change in the look and feel of the neighborhood as it evolves.

Mr. Benoit stated that NJ has no standards and then you have developers building eyesores and are taking away the value from the municipality. What about the municipality's return? Our return goes down every time an eyesore is built. Morris Township could be on the forefront for maintaining its status. Infill housing in Chatham along Watchung Avenue is really nice, and I have to believe the municipality has a political and financial interest to maintain the integrity of the long term development of the town over a private developer's bottom line. There is a way of approaching this creatively, to put together certain design standards that will keep the municipality interesting looking. Mr. Phillips stated that the TCC agrees and wants to look at ways to have standards. Mr. Grayzel

stated one place we could start is with the two projects, Punchbowl Rd and Mt. Kemble Atlantic Health project, which we could get ahead of by focusing on townhouse standards developed by the Planning Board. Mr. Goldberg stated he agrees with having standards for larger projects but he has a concern for the RA-15 individual homes. What someone thinks is an eye sore another person thinks it's a work of art. Having materials dictated, there would be a lot of resistance and we would not be able to have traction on this.

Ms. Murphy stated that this was a good opportunity to establish the special committee for this specific purpose of looking at the upcoming townhouse developments and trying to identify whether there are modifications to design standards that would be effective in the near term. Also to talk to neighboring communities find out more clearly which direction we want to go, and to come back and give a special report and present it to the Board for consideration. A discussion was carried regarding townhouse standards and how to set up the special committee. Mr. Warner informed the Board that the draft bylaws states special committees may be established by a vote of the majority of the full membership of the Board. The Chair shall appoint the members of such a committee who shall serve for a term determined by the Board. Mr. Warner recommends that the committee should focus on townhome design standards, and not focus on specific sites. Mr. Phillips stated that the committee should look at what we want in terms of design both flexible and mandatory for the multifamily housing, townhouses, business zones and we can look at site specific design guidelines in the redevelopment guide and standards. Any of these projects are subject to these design principles. If you do generic standards, you are in a better position to say to a developer that these are the general Township design principles that apply to everybody, whether it is affordable housing or not.

Mr. Grayzel led a discussion to clarify that exterior materials will be the focus for the special committee to consider. Mr. Benoit will lead the special committee, Mr. Vintschger will be a member and Mr. Grayzel will weigh in. Mr. Goldberg stated he hopes that this Board continues to work on the applications in front of us and does not become derailed on projects where we do not have legitimate authority. If we have an application in front of us, we can provide feedback during the application process. If the Board member does not like the building material, and if it does not meet what a Board member would want, then they could exercise a "no" vote. For example, the Historical Commission can make recommendations and comments but they do not have the legitimate authority to protect a property and prevent it from being demolished. It is important to take feedback from the commission as we weigh our decisions. We have a very long work list related to Master Plan and we should look to prioritize our work efforts and subcommittee efforts to align where our legitimate authority exists. Mr. Goldberg also stated that if there are members of the Board who find this committee valuable, he does not object to moving forward with having Board members putting effort toward this.

A motion was made by Ms. Wilson, seconded by Mr. Grayzel, and roll call as indicated, that a special committee led by Mr. Benoit will look into design and architectural standards, and will define their scope when they meet. The committee will report back in 3 or 4 months to make recommendations to the Board.

Roll Call (voting members)

Mr. Romano	YES
Mr. Goldberg	YES
Mr. Kaar	YES
Mr. Grayzel	YES
Ms. Murphy	YES
Mr. Benoit	YES
Mr. Loughman	YES

Ms. Wilson YES
Mr. Vintschger YES

Master Plan discussion will be on the agenda for the March 18th meeting. Ms. Wilson would like to include the following topics for discussion: walkability project, Southgate, Normandy Parkway, the questions regarding Old Glenn, and fire hydrants. Mr. Slate stated that is a constant updates that are occurring right now by the water company on some replacements, as needed we add hydrants, it is ongoing.

The education session is going to be held on Wednesday, March 27, 2019 at 7:00 pm here in the meeting room.

Mr. Slate stated that we have put a resolution together for Rick Haan and it will be presented at the June 17, 2019 meeting.

Public Commentary

Alan McAlpin, 5 Armstrong Road, had concerns regarding notice of applications for public hearings and pending matters in the Township. He suggested notice should be posted on the website as preliminary or draft so that members of the public can be noticed of pending matters well in advance.

Ms. Wilson agreed that notices posted in the newspaper could also be posted on the Township's website. We should do as much as we can to provide the public with the information as early as we can within reason.

Public portion closed at 9:51 pm.

With no further business for consideration by the Township of Morris Planning Board, on motion duly made seconded and unanimously carried the meeting was adjourned at 9:52 P.M.

Respectfully submitted,



Sonia Santiago, Secretary
Township of Morris Planning Board
Approved: April 15, 2019