

Minutes of the Regular Meeting of the Morris Plains Planning Board held on May 12, 2014 at 7:30 P.M. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Present: Mr. Andre Jensen  
Mrs. Sydney Leach, Vice Chair  
Mr. Ralph Lopez, Chair  
Ms. Suzanne McCluskey  
Mr. Leo Nichols  
Mr. Hank Sawoski  
Mr. Donald Underhill  
: Mayor Frank Druetzler

Absent: Mr. Vincent Novak  
  
Leon Hall, Borough Engineer  
William Denzler, Borough Planner  
Christopher Falcon, Board Attorney

## **PLEDGE OF ALLEGIANCE**

The meeting was called to order by Mr. Lopez. Mr. Lopez made the statement that adequate notice of this meeting has been published and posted in accordance with Chapter 231 of the Public Law of 1975, "Open Public Meetings Act."

## **COMMENTS FROM THE PUBLIC**

Mr. Lopez opened the meeting to the public to speak on matters other than those on the agenda. Seeing no one, he closed the public portion of the meeting.

## **APPROVAL OF MINUTES**

Mr. Lopez requested a motion for the approval of the meeting minutes of the Board's Meeting held on April 21, 2014.

Mrs. Leach moved that the minutes be approved, seconded by Mr. Nichols.

## **Roll Call**

Yeas: Mr. Jensen, Mrs. Leach, Mr. Lopez, Mrs. McCluskey, Mr. Nichols,  
Mr. Sawoski, Mr. Underhill  
Nays: None  
Abstain: Mayor Druetzler  
Absent: Mr. Novak

**Motion carried.**

## **CORRESPONDENCE AND BILLS**

Mr. Nichols read the vouchers for payment.

**Norton Conservation Company, Inc. P.O. #94097 \$2,042.50**  
**Soil Disturbance Applications (2)**

**William Denzler & Associates P.O. #94096 \$4,910.50**  
For Professional Services rendered to the Planning Board, March 2014

**Anderson & Denzler & Associates, Inc. P. O. #94127\$ 336.83**  
For Professional Services rendered to the Planning Board, April 2014

Mr. Nichols moved that these vouchers as read be approved, seconded by Mr. Underhill.

**Roll Call**

Yeas: Mr. Jensen, Mrs. Leach, Mr. Lopez, Mrs. McCluskey, Mr. Nichols,  
Mr. Sawoski, Mr. Underhill, Mayor Druetzler

Nays: None

Absent: Mr. Novak

**Motion carried.**

**APPLICATIONS**

None.

**COMMITTEE REPORTS**

**Minor Site Plan Committee**

No report was presented by this Committee.

**Master Plan Review Committee**

Mr. Sawoski advised of proposed amendments to the Master Plan published by Mr. Denzler. They anticipate meeting with him over the next few weeks to discuss any issues that need further clarification or discussion. At the next Planning Board meeting they will have an action plan.

**NEW BUSINESS**

**2014 Master Plan Amendments Review**

Cross discussion as to precisely when this meeting/public hearing will need to be held to comply with notice requirements.

Mr. Falcon advised that for the Master Plan, nothing really needs to be done at this time; it can be scheduled for a hearing at the June meeting and act at that time.

The Board Secretary asked several questions concerning notice issues.

Mr. Falcon stated that whatever the usual notice used for Master Plan amendments is what should be used.

It was established that the notice would need to be published no later than June 6, 2014, 10 days prior to the June Board meeting.

Mayor Druetzler asked a question about the Open Space Plan, specifically section H. He stated they went back to the old subdivision maps (Valley Stream area) where "H" was designated as a bog. He does not believe this is something the Borough should be seeking to acquire for open space. Can it be eliminated?

Mr. Denzler advised that it can be revised. He also explained the meaning of the letters shown on the map.

Cross discussion about the bog area, including mention of maintenance and liability perspectives.

Mr. Lopez asked that Bard members review the amendments and bring any questions, concerns, or recommendations to the subcommittee's attention.

Mr. Falcon stated the public hearing on this matter will be set for the June Board meeting. He said that tentatively the Board may be satisfied with the plan as it is before them, but this does not mean they cannot change it. They can.

Mr. Denzler reviewed the plan with the Board, providing explanation or additional details as appropriate. The amendments relate to the AF zones located along Tabor Road. It also identifies the Cortese property which they have as a back-up. He also commented on public and semi-public properties.

Continuing, Mr. Denzler stated that "A" is the 262 Tabor Road site and is the AF-1 Zone. "B" is property located across the street (Tabor Road site) and are multiple lots to be combined to create a 5.4 acre parcel. "C" is the Cortese property and is a 2.10 acre lot that the Borough has a "first right of refusal" for. These are the three main affordable zones that are being proposed in the Borough. Item No. 2 addresses the shelters and supported needs housing located on Central Avenue ("A"). "B" addresses the group home on Beech Drive.

Mr. Denzler next spoke about the Community Service Plan – a map amendment which identifies the two AF Zones and the potential for additional AF Zones on the map. Item No. 3 is the Open Space Plan. This essentially is just a map change. He will address the matter of the "H" item. Item No. 4 is land use regulation changes – downtown district issues and shopping center issues. Item No. 5 (V) is a summary of the rationale for the changes being proposed. Item No. 6 (VI) relates to consistency matters.

Mayor Druetzler asked about the various maps, pointing out that they do not all appear to be precisely consistent in what they show on each map.

Cross discussion on various details of the maps.

Mr. Falcon recommended that there be a motion to: (a) tentatively approve the Master Plan amendments, (b) to establish a hearing on the Master Plan for June 16, 2014, (c) refer this series of amendments to the Master Plan Subcommittee to make any further revisions/clarifications, and (d) the Board Secretary be directed to provide notice as required in the statute for Master Plan amendments.

Mayor Druetzler moved that the Board adopt Mr. Falcon's recommendations as stated above, seconded by Mrs. Leach.

Mrs. Leach asked a question about a conservation easement shown behind Beech Drive (Open Space map). Is this County-owned land as indicated?

This was resolved by double checking the map color codes.

### **Roll Call**

Yeas: Mr. Jensen, Mrs. Leach, Mr. Lopez, Mrs. McCluskey, Mr. Nichols,  
Mr. Sawoski, Mr. Underhill, Mayor Druetzler

Nays: None

Absent: Mr. Novak

### **Motion carried.**

Mrs. Leach asked about multi-family housing issues. This is not reflected in the Master Plan. Should this be addressed now or at some later date? Nothing can be approved unless the Master Plan reflects the subject matter.

Brief cross discussion about how this issue should/can be addressed.

Mr. Falcon stated that the Board focus on this matter at hand (low and moderate income changes) and get it done. The Master Plan can be re-opened and re-examined at any time as topics arise that appear important and appropriate to be addressed by the Master Plan.

Mr. Denzler provided updates regarding COAH requirements and issues, both general and more specific to the Borough. The second round number is now 151. He commented broadly on what he believes should be included in any future ordinances relating to this subject. The COAH rules will be officially published in June and will be adopted in November.

### **OLD BUSINESS**

#### **Wall Signs Within B-1 Downtown Business District – Discussion**

Mr. Denzler provided his report relating to this issue and explained what he is proposing so far, including the matter of the color(s) of signage which is being referred to as "standard colors" or basic colors. This refers to a specific spectrum of colors.

Mrs. McCluskey raised the question of awnings.

Mr. Denzler advised that awnings are covered in a separate section of the ordinance. He also advised that the Zoning Official was provided with a copy of his recommendations.

Mrs. McCluskey asked if it would be a good idea to require coordination between the signage color(s) and any awnings?

Cross discussion about the issue of coordination between signage color(s) and awning colors and determined that it would be included.

Mayor Druetzler commented on several matters of interest. For example, activities at the Honeywell site and dust issues at the former Pfizer site from concrete grinding.

Mr. Hall provided updated information concerning contaminated ground at the former Pfizer site, locations of where the contaminated soil is located, and removal of the contaminated soil.

Mayor Druetzler spoke about the role of the Department of Environmental Protection (DEP) at this site; they are the ultimate authority. The work is not done by the DEP directly, but by professional contractors who are licensed by the DEP to do this work. The builder cannot begin building until the DEP determines the property is no longer contaminated. However, the DEP has a three-year audit period and could decide during that time to not accept the report which obviously would create a problem assuming the building was already done.

Cross discussion about the contaminated soil issues, the work being done at the site, and the DEP's role.

Mayor Druetzler commented on the covenant at the former Pfizer site and the letter that was received alerting the Borough to its existence.

Mr. Falcon advised that if one requests a deed from the County Clerk's Office, that is what will be sent to you. But, with a full search of a property, all documents related to the property will be provided.

There being no further business, Mr. Underhill moved the meeting be adjourned, seconded by Mr. Nichols. Voice vote. All in favor. **Motion carried.**

Karen M. Coffey  
Commission Secretary

Maureen Sullivan  
Recording Secretary