

Minutes of the Regular Schedule Meeting of the Morris Plains Planning Board held on August 18, 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. Vincent Novak
Mr. Hank Sawoski
Mr. Donald Underhill

Leon Hall, Borough Engineer
William Denzler, Borough Planner
Christopher Falcon, Esq., Board Attorney

Absent: Mr. Leo Nichols
Mayor Frank Druetzler

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 this public portion of the meeting.

APPROVAL OF MINUTES

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

Mr. Sawoski moved that the minutes be approved as distributed, seconded by Mr. Underhill.

Roll Call

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

Motion carried.

CORRESPONDENCE AND BILLS

Mr. Underhill read the vouchers for payment.

Maraziti, Falcon & Healey

P. O. #94184\$ 875.00

Block: 101 Lot: 3.02

It was stated that Mrs. McCluskey and Mr. Lopez needed to recuse themselves from this portion of the meeting because they participated on the Committee and/or other reasons. Mrs. Leach, Board Vice Chair, will preside over the remainder of this meeting.

Mr. Lopez requested a five-minute break.

Mrs. Leach stated that this application is on tonight's agenda for completeness and for public hearing if the application is deemed to be complete.

Alberto Comacho, Esq. introduced himself advising he is from the firm of Manfredi & Pellechio and stated they are representing the Applicant, the Madison Affordable Housing Corporation.

Mr. Hall referred to his August 12, 2014 report. He stated he will not review all the completeness waivers. The only outstanding issues were that the Applicant needed to re-notice to correctly identify the four variances as outlined, to include the site plan design waiver, and revising of the architectural site plan to state a required building height in feet of 55', which conforms with the ordinance. From an engineering perspective, they recommend the application be deemed complete.

Mr. Denzler referred to his report of August 11, 2014. In this report, they are recommending the application be deemed complete. He concurs with the Board Engineer's statements.

There were no comments from the Board members.

Mrs. Leach requested a motion to declare the application complete, including waivers considered at the Board's July meeting.

Mr. Novak moved that the application be deemed complete, including the waivers as discussed at the Board's July 21, 2014 meeting, seconded by Mr. Sawoski.

Roll Call

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

Motion carried.

Mrs. Leach advised the public hearing will now be held and provided details as to how the hearing will proceed.

Mr. Alberto Camacho from the firm of Manfredi & Pellechio introduced himself to the Board, the Professionals and the public, stating this firm represents the Applicant,

Madison Affordable Housing Corporation, in this matter and provided a brief summary of the purpose of the application and the four variances that are being sought (steep slopes, fences and walls, RSIS parking, and landscaping buffer). He testified as to those who will be testifying on their behalf at tonight's meeting.

Mr. Falcon swore in all who will be providing testimony at this meeting along with the Borough Engineer and Borough Planner.

The Board Secretary stated that all required documentation submitted is in order.

Mr. Louis Riccio was first to testify. He is the Executive Director of the Madison Affordable Housing Corporation and has been in this position since the Corporation's inception in 1992. He is also the Director of the Madison Housing Authority since February 1981. Since 1976 he has been involved with both public and private affordable housing. He worked on this application. He praised the Borough for meeting its affordable housing obligations when many other municipalities are trying to run away from these obligations.

The apartment complex will consist of 56 units with 26 one-bedroom apartments, 22 two-bedroom apartments, and 8 three-bedroom apartments. These units will be for seniors, non-senior singles, couples, and families with children. He explained the complex will meet the municipal obligations as stipulated by the Council on Affordable Housing (COAH). The property will be deed restricted and will be owned by the Borough of Morris Plains and managed by the Madison Affordable Housing Corporation through a contract with the Borough. This will be more than affordable housing; it will also be a beautiful home for the residents. He provided information relating to the need for affordable housing in the area, the mandated need by the State for such housing, and other similar housing authorities in the County. This area is Region II as defined by the COAH.

The Professionals had no questions of this witness nor did the Board members.

Mrs. Leach opened this portion of the meeting to questions of this witness from the public.

Mr. George Coogan, 17 Brook Drive, Morris Plains, asked for an explanation of (1) the difference between affordable housing and public housing and (2) differences of when private developers construct affordable housing versus a public entity such as the Borough doing so.

Mr. Riccio responded to question (1) stating the difference between public housing and affordable primarily relates to adjusted income (public) and set rent based on COAH income guidelines (affordable). For affordable housing there is not only a "ceiling", but there is also a "basement" in connection adjusted gross income amounts. For example, if the rent of an affordable housing apartment is \$700, an individual with an annual

income of \$6,000-\$7,000 would not qualify. Such a person likely would qualify for public housing, but not for affordable housing.

Replying to question (2), he explained that when private developers provide affordable units, it generally it does not mean that 100% of the units are affordable. Since it is not 100% affordable, the market rate units must subsidize the affordable units. The deed restriction is usually 30 years – it must be at least 30 years. He is not aware of many private developers going more than 30 years. For municipal development and ownership, the deed restriction would be at least 99 years and can be extended for additional time – as long as the municipality opts to do. He advised that in Madison and in Denville, they have not had any date on their affordability controls and is open ended. He is anticipating the Borough will do likewise.

Mr. Jensen asked if there are limits on the number of people who can stay at this location.

Mr. Riccio advised that the number of people and apartment size are dictated, for example, you could not have seven or eight people living in a three-bedroom apartment nor can you have four people living in a one-bedroom apartment nor six people living in a two-bedroom apartment. There are guidelines as to how many individuals can reside in each apartment size. Annual inspections will be done of each apartment. There are no continued occupancy requirements. For example, if a family moves in and the next day they hit the lottery, they can still continue to live there. He also commented on the matter of eviction laws in the State of New Jersey.

Mr. Jensen asked about children living at such apartment complexes and window safety.

Mr. Riccio responded that there is State law requiring window guards on such properties which they will, of course, provide. There will not be any specified playground area or playground equipment on the site, although there will be a number of grassy areas that could be used for passive recreation.

Mrs. Leach thanked Mr. Riccio for this testimony as did Mr. Camacho who called the Applicant's next witness, Mr. Bill Charleroy.

Mr. William Charleroy is the architect for this project. He provided information relating to his qualifications and experience.

Mr. Charleroy was qualified as an expert witness in the field of architecture for the purposes of this hearing.

Mr. Charleroy stated he will present the floor plans and the elevations for the buildings. The floor plan is a simple concept for this project. The complex will be two four-story buildings connected by a one-story lobby. Using illustrations, he indicated what he was referring to. Each building will have its own egress, stair towers, and elevators. There is a common entrance lobby near parking. There is a shared patio area and smaller

lounges with small deck areas. This will allow residents on each floor to get together in small groups of two or three. Larger groups can congregate in the patio area(s) or in the main entrance lobby.

The buildings will be modular construction (factory built modules/"boxes"). Each "box" will be approximately 12'x60' long. The "boxes" will be brought to the site and stacked in place on top of a foundation. Some portions of the buildings such as the lobby areas, stair towers, elevator shafts will be built in the field. The apartment sizes are as follows:

- One-bedroom apartment is 623 SF
- Two-bedroom apartment is 929 SF
- Three-bedroom apartment is 1, 235 SF

There will be a total of 56 apartments – 26 will be one bedroom, 22 will be two bedrooms, and 8 will three bedrooms.

Next, Mr. Charleroy provided information on street elevations, including an inward view of the South building, a long view of the North building, the one-story lobby connecting the two buildings together, a front view of the South building, and the parking lot. He advised the building materials are brick, horizontal siding and asphalt shingles. He has tried to reduce the building in scale, give it a residential character, provide architectural details (first-floor arches and trim work around windows), and provide a canopy at the entrance from the parking lot. The goal was to design a building that Morris Plains will be proud of when completed.

Mr. Charleroy stated the site is a difficult one to work with. Because of this they ended up with an L-shaped complex; they did not want to construct one very large building. He provided additional details on how they proceeded to meet the design they desired. The square footage of the two buildings is approximately 60,000 SF.

Mr. Hall asked Mr. Charleroy if he received a July 15, 2014 e-mail from the Borough's Fire Chief, and he read the text of this e-mail (Fire Department connection not on the architectural plans and wanting it to be located as close as possible to the existing fire hydrant on Route 53 and specifics as to what this connection and light should be). He also asked about standpipe issues.

Mr. Charleroy replied he had received this e-mail. There is no problem in providing what the Fire Chief is requesting in this e-mail.

Mr. Denzler asked about the building height as designed. He also asked about exterior lighting on the building for the individual units.

Mr. Charleroy responded the average height of the roof is 55'. There will be lighting on the building and is all residential type lighting. At each entrance there will be lighting, around the patio areas (low bollard lighting), and residential type wall lights on the decks. The Site Engineer will discuss the site lighting design. Architecturally, his

lighting on the building will be low wattage. Most of the lighting will be LED and there will be motion detector switches in certain areas so lights will not be on unless the room is occupied. These buildings will be Energy Star efficient buildings. All the appliances, lighting fixtures, thermal insulation, windows, exterior wall insulation and so forth will be Energy Star efficient.

Mr. Underhill asked if each unit will have separate storage space.

Mr. Riccio advised that there is not a real need for basement storage area, so there will not be any such storage. They have tried to maximize storage space in each unit.

Mr. Novak asked if the modular construction will improve the timeline for completion.

Mr. Charleroy stated the major advantage to using modular construction is cost savings for labor. He provided some information on how the modular construction units will arrive at the site – they will have complete kitchens, complete floor finishes, complete bathrooms, and painted. They generally can be considered 90% finished when they arrive at the site. Each unit has one bathroom and everything is handicapped adaptable, although a few things will need to be done to retrofit a unit to be handicapped accessible.

Mr. Underhill asked what the approximate completion date is.

Mr. Riccio responded they anticipate occupying the buildings in the spring of 2016 or perhaps the first quarter of 2016. Site work is expected to be completed this calendar year, probably in mid October or early November 2014. The “boxes” will be ordered in November and delivered in February or March 2015.

Mr. Charleroy stated each apartment will have its own separate heating and cooling system. It is a gas-fired heating system. Each tenant will have meters to measure gas and electric usage. There will be cooling in the common lobby and the lounge areas.

Mr. Underhill asked about any outside trash enclosures.

Mr. Charleroy advised there will be an enclosed trash area, and he pointed out where the location will be. In the basement of one of the buildings there will be a Trash Room and a Recycling Room that tenants can bring their trash and recycling to; the other building will be using the outside trash enclosure.

Mr. Riccio stated the Borough will be responsible for picking up the trash. They will bring the recycling to the Recycling Center. They have a full-time “floating/roaming” maintenance staff that will be responsible for these buildings as well as the other sites managed by the Corporation. No one will be living on the site.

Mrs. Leach asked about the outside trash enclosure.

Mr. Charleroy advised that the details of this enclosure will match the brick at the lower level of the building. The presentation of the site plan drawings will provide additional data.

Mr. Ronald Shimanowitz stated he is the attorney for M&M at Morris Plains, LLC and he asked if some of the units are proposed to be age restricted while others are family/not age restricted. How many of the 56 apartments will be age restricted?

Mr. Charleroy stated this is correct.

Mr. Riccio stated that 19 apartments will be age restricted and will be located in the South building.

Mrs. Leach and Mr. Camacho both thanked Mr. Charleroy for this testimony.

Mr. Camacho next called Mr. Eric Rupnarian, the Applicant's Engineer.

Mr. Rupnarian provided a summary of his qualifications and experience.

Mr. Rupnarian was qualified as an expert witness in the field of engineering for the purposes of this hearing.

Mr. Rupnarian began his presentation of the site plan for this application. It is Sheet #2 in the set distributed to the Board members and is the site layout of the project. The property in total is approximately 2.7 acres. He described the illustration he was using, pointing out various portions and what was proposed to be on them. The parking lot will be located to the south of the existing building. He provided information concerning the topographic details of the site and how the existing parcel land works for their plans, both positively and negatively (mostly involving steep slope areas). In trying to minimize the amount of soil disturbance needed, to maximize the number of parking space and to accommodate the buildings, the buildings were designed and situated in such a way that allows for as much parking as possible. They attempted to minimize the amount of steep slope disturbance (the area to the rear of the buildings).

As to parking, this project requires 108 parking spaces:

- One-bedroom apartment – 1.8 parking spaces
- Two-bedroom apartment – 2.0 parking spaces
- Three-bedroom apartment – 2.1 parking spaces

They are unable to provide the full 108 parking spaces, but rather have provided a total of 97 parking spaces. This requires an exception from RSIS and a variance from the Board. Because of their past experiences with other affordable housing projects they have done, they believe providing 97 parking spaces for 56 units will be adequate and may very well exceed the actual needs of the complex. They do not believe there will be any issue. As to minimizing the amount of disturbance to the steep slope areas, Mr.

Rupnarian advised they have tried to limit development to the area that is presently disturbed on this property. This results in moving the development towards the roadway and within 5' of the existing property line. They will be grading in this area. The parking lot must be moved closer to Route 53; the ordinance requires a 50' landscape buffer along the frontage of the property; in a section they cannot provide this amount. He discussed other property line and right of way matters. There are two entrances off Route 53, the northerly entrance is configured to be for ingress only and appropriate signage is provided. Required handicapped parking spaces are situated directly in front of the building in front of the handicapped entrance, located next to the one-story section of the buildings. He next advised that the hatched areas on the plan represent all of the steep slope areas on the property. Because of the terrain they are dealing with, they are presented with an exceptional hardship regarding compliance with the steep slope ordinance. He explained the details of the ordinance, commented on a retaining wall(s), drainage facilities, an easement(s), grades, and JCP&L restrictions placed on the Applicant.

Mr. Camacho asked if Mr. Rupnarian believes this is the most beneficial manner he could have designed the site plan layout in order to meet the hardship against the Applicant.

Mr. Rupnarian stated yes he does believe this. After several different designs, the current one appears to be the best resulting in the least amount of disturbance to steep slope areas.

Mr. Hall asked Mr. Rupnarian if he received the July 15, 2014 e-mail from the Fire Department. He then asked about the one-way driveway from the building being marked "No Fire Lane" on the Route 53 side (non-parking side). The second matter related to curb areas in the parking lot and marking of fire lanes.

Mr. Rupnarian stated he did. There is no problem complying with both these requests of the Fire Chief.

Mr. Hall next asked about the lighting plan and adding a note to this plan stating that "All lighting with a Jersey Central Power & Light easement shall comply with Jersey Central Power & Light requirements."

Mr. Rupnarian stated they will comply with this.

Mr. Hall next asked about the three outside agency approvals, including that from the Morris County Planning Board that had three advisory comments they wanted the Borough to consider. They also had three requirements in order to obtain site plan approval.

Mr. Rupnarian stated they will address and comply with these matters. The Department of Transportation (DOT) approval is ongoing. They will be submitting to the Morris County Soil Conservation District shortly.

Mr. Denzler asked about the 97 off-street parking spaces. The site plan indicates 96 spaces. He agrees that the steep slope variance can be granted under the C-1 hardship variance argument and gave his reasons. He also commented on the 96 parking spaces and the landscape buffer near the parking lot entrance. He also raised the subject of the design exception for the re-grading within 5' of the property line and whether any problems were anticipated here in connection with soil erosion.

Mr. Rupnarian replied that the correct number is 96 parking spaces. He does not believe that the re-grading will impact soil erosion and will have no effect on the off-site property. The lights they propose are 15' tall from ground elevation to the bottom of the fixture; JCP&L is actually limiting them to a maximum of 14' high to the actual top of the fixture. There will be some modifications to the lighting plan (types of lights, location changes, fixtures in the parking lot). Otherwise their lighting is compliant with the Borough's ordinance.

Mrs. Leach asked for more details regarding the outside trash enclosure.

Mr. Rupnarian advised they investigated several different locations in which to place the trash enclosure, including possibly putting in within the parking lot as far away from the building as possible; JCP&L said no to any place within their easement. All things considered, they ultimately decided to locate the trash enclosure at the front of the building, off to the side. The trash will need to be emptied on a regular basis so that the dumpsters cannot get overloaded. The enclosure will be gated and will need to be opened up (and closed) to place trash. One of the maintenance staff members will remove excess trash as needed.

Cross discussion on various related topics, including the trash enclosure and trash pick-up in general.

Mr. Riccio stated the trash initially would be picked up twice a week. If this turns out to be not frequently enough, they would need to contract with a private hauler. Most of their existing sites have trash picked up twice a week. He expects there will be two four-yard dumpsters in that one enclosure. The Borough has made a commitment to pick up the trash; however, if twice a week is not enough, the housing authority will contract for pick-up.

Mr. Jensen asked about the pick-up of recyclables.

Mr. Riccio stated recyclables will be placed in a central location in the North building and from there the housing authority maintenance staff will transport them to the Borough's Recycling Center across the street. This will probably be done once a week, depending on the volume experienced. He provided a few other pieces of information from their experience at the other housing authority sites.

Mr. Falcon asked about the negative criteria relating to the variances.

Mr. Denzler stated he sees no substantial detriment to the neighboring properties, the public good, nor would there be substantial impairment to the zoning/planning ordinance based on the variances given. He commented on the issue of the steep slopes and the belief of the Applicant that there will be adequate parking provided; he does not expect any impairment to adjacent property owners. The slightly reduced buffer area will not create any substantial impairment in terms of aesthetics.

Mr. Rupnarian thanked the Board very much.

Mr. Camacho stated this was the conclusion of their testimony for this evening. The block is Block101 and the lot is Lot 3.02. He also stated that adequate notice was provided to all property owners within 200' as well as to utilities and other agencies as required and done well in advance of the 10-day period. Newspaper articles were published regarding this meeting in the *Daily Record* (on August 7, 2014) and in the *Morris News Bee* (on August 7, 2014).

Ms. Ann Miller, Building 20, Foxwood, Morris Plains, advised she believes she is the only one in her building of seven units who received the notice. She assumed others received their notices, but no one else seemed to know anything about this meeting tonight.

Mr. Camacho stated they provided notice in accordance with the certified list provided to them by the Borough. Everyone listed on this list was provided

with the notice and the Board has the record of the certified list and the notices that were sent.

Mr. Falcon stated the Applicant did comply with the requirement of sending out the notice. In this instance the Foxwood Association was noticed. He believes the list was accurate. Service has been satisfied.

Mr. Ronald Shimanowitz, attorney for M&M at Morris Plains, LLC, asked about the Borough's financing for this project. How much financing is being provided and what is the source of these funds. Are there sources other than from the Borough?

Mr. Falcon advised that the Planning Board is not privy to this information.

Mr. Riccio stated he cannot provide this information in exact terms. There is funding being provided other than from the Borough. The amount most likely will be somewhere in the amount of \$10,000,000. 00

Mr. Camacho stated that based on all the testimony given, the Applicant asks for approval of their preliminary and final site plan, capital project review, and the bulk variances sought, including the steep slopes relief, the unique topography of the

property as well as the undue hardship on the Applicant, the RSIS requirement, and the issues relating to the placement of the development because of the topography.

Mrs. Leach asked about a notation in the Engineer's communication to the Board about the Applicant updating the Board as to the Special Borough Council meeting on July 23, 2014. What is this in reference to?

Mr. Hall responded that it just for the Applicant to advise the Board about their presentation to the Governing Body on this date.

Mrs. Leach opened this portion of the meeting to any comments from the public. Hearing none, she closed this portion of the meeting to the public.

Mrs. Leach stated if the Board is in favor, that the Board Attorney be asked to prepare a resolution of approval, including all points/conditions that must be discussed and that must be covered for a vote at the Board's next meeting in September.

Mr. Sawoski moved that the Board Attorney draw up a resolution of approval for a vote at the Board's September meeting, seconded by Mr. Underhill.

Roll Call

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

Motion carried.

Mrs. Leach thanked the Applicant for their presentation.

NEW BUSINESS

None.

OLD BUSINESS

None.

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

Karen M. Coffey
Commission Secretary

Maureen Sullivan
Recording Secretary