

Minutes of the Regular Schedule Meeting of the Morris Plains Planning Board held on held on December 8, 2014 at 7:30 P.M. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Present: Mr. Andre Jensen  
Mr. Ralph Lopez, Chair  
Mrs. Suzanne McCluskey  
Mr. Leo Nichols  
Mr. Vincent Novak  
Mayor Frank Druetzler  
Christopher Falcon, Board Attorney

Absent: Mrs. Sydney Leach, Vice Chair  
Mr. Hank Sawoski  
Mr. Don Underhill  
Mr. Leon Hall, Borough Attorney  
Ms. Elizabeth Leheny, Borough Planner

### **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. Nichols moved that the minutes of the November 17, 2014 Regular Meeting be approved as circulated, seconded by Mayor Druetzler.

### **Roll Call**

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

### **CORRESPONDENCE AND BILLS**

Mr. Nichols read the vouchers for payment.

**Clark Caton Hintz P.O. 96349 \$5,768.92**

Court appointed master – *M&M at Morris Plains , LLC v Borough of Morris Plains and PB of Morris Plains*

**Maraziti Falcon, LLP**

**P.O. 96351**

**\$9,826.75**

Professional Services rendered to the Planning Board during November 2014

Mr. Nichols moved that these vouchers be approved, seconded by Mrs. McCluskey.

Brief cross discussion about the charges on these purchase orders.

Roll Call

Yeas: Mr. Jensen, Mr. Lopez, Mrs. McCluskey, Mr. Nichols,  
Mr. Novak, Mayor Druetzler

Abstain: None

Absent: Mrs. Leach, Mr. Sawoski, Mr. Underhill

Nays: None

**Motion carried.**

**PB-2-14 Honeywell International Inc. – Block: 151 Lot: 2.02 – 115 Tabor Rd.**

Mr. Lopez stated the next agenda item is the memorialization of the resolution in this matter.

Mr. Falcon offered brief commentary on the resolution prior to the reading and advised that a memorializing resolution requires only one vote. Mr. Falcon read the resolution.

Mr. Nichols moved that this Resolution be approved as amended, seconded by Mayor Druetzler.

Roll Call

Yeas: Mrs. McCluskey, Mr. Nichols, Mayor Druetzler

Abstain: Mr. Jensen, Mr. Lopez, Mr. Novak

Absent: Mrs. Leach, Mr. Sawoski, Mr. Underhill

Nays: None

**Motion carried.**

A copy of the Resolution is attached and on file in the Board Secretary's office in the Planning Board's Resolution Book.

## **COMMITTEE REPORTS**

### **Minor Site Plan Committee**

No report was presented.

### **Master Plan Review Committee**

No report was presented.

## **ORDINANCE 21-2014 REVIEW**

Mr. Falcon stated this is an ordinance that has been introduced by the Borough Council on First Reading for review by the Planning Board for consistency with the Borough's Master Plan prior to the ordinance going back to the Borough Council for Second Reading. He advised there is something unusual in connection with this in that the Zoning ordinance differs in a significant respect from the Master Plan amendment previously passed by the Planning Board. That amendment calls solely for the development of rental apartments and multiple family units in that zone. He concurs with the Planner's recommendation and stated that the ordinance being referred to the Board is not fully in conformance with the Master Plan amendment. The further recommendation is that the Board ask the Planner to revise the Master Plan amendment to eliminate the sole reference to rental and to subsequently reflect what it is that the ordinance states. The ordinance permits development of multi-family apartment residential units and does not address ownership issues.

Mr. Falcon advised that if this ordinance is adopted by the Board in the form it is in, the Borough Attorney will have the Governing Body consider it under the appropriate provision. It can still be adopted, but a reason(s) for doing so must be part of the record. Any change will require amendment to the Master Plan to state that it is not limited to rental units in this zone.

Cross discussion about this ordinance, including the issue of age restriction, potential adoption of the ordinance in its current form by the Governing Body, and revision of the Master Plan by the Planning Board to reflect changes for the zone.

Mayor Druetzler commented on the work done by Mr. Phillips in connection with the parking deck, especially language that makes the parking deck "look extremely well".

Mr. Falcon read the resolution concerning the ordinance, directing the Planner to further examine the need for amendment to the Master Plan, and to present his findings to the Board.

Mayor Druetzler moved that the resolution be adopted by the Board and noted that this Ordinance would be on the Governing Body's agenda for second reading at December 18, 2014 meeting, seconded by Mr. Nichols.

Roll Call

Yeas: Mr. Jensen, Mr. Lopez, Mrs. McCluskey, Mr. Nichols,  
Mr. Novak, Mayor Druetzler

Abstain: None

Absent: Mrs. Leach, Mr. Sawoski, Mr. Underhill

Nays: None

**Motion carried. .**

## **OLD BUSINESS**

Mayor Druetzler updated on the activities of those Board members who are absent from this meeting and also reported that on Mr. Denzler continues his recuperation which is proceeding well but slowly.

## **NEW BUSINESS**

### **2015 Meeting Dates**

The Board reviewed the proposed meeting dates for its 2015 meetings. The meeting dates agreed upon are:

February 9, March 16, April 20, May 11, June 15, July 20, August 17, September 21, October 19, November 16, December 7, 2015 and January 18, 2016

Mayor Druetzler advised the Governing Body's Re-Organization meeting will be held on Wednesday, January 7, 2015, beginning at 7:00 p.m. All are invited to the meeting and the refreshments after the meeting.

Mayor Druetzler commented on the Council on Affordable Housing (COAH). The Borough is awaiting a judge's decision on its case. At the most recent COAH meeting at which third-round rules were to be adopted, the voting resulted in a tie vote, and it was not adopted. Nothing has occurred since. Actions may return to the New Jersey Supreme court as a result. His information is that there will be a hearing on the motion on January 6, 2015. It is uncertain at this time exactly what will take place. He is hoping progress can occur without court intervention.

Cross discussion about press coverage of the Borough in the *Daily Record*. There was also discussion about preparations for the next time capsule; the issues of the COAH case and the various costs associated with it, including the continuing need for the Master in this matter involving M&M at Morris Plains.

Mrs. McCluskey provided a status report on the affordable housing project to be built on Tabor Road. She advised that the groundbreaking is anticipated is scheduled to occur in the late spring. She thanked the Board for a pleasant two years of service on the Planning Board as the Council Liaison.

Mr. Lopez thanked her for her contributions to the Board.

## **ADJOURNMENT**

There being no further business, Mr. Nichols 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