

Minutes of the Regular Meeting of the Morris Plains Planning Board held on June 15, 2015 at 7:30 P.M. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Present: Mr. George Coogan  
Mr. Salvatore Cortese  
Mr. Andre Jensen  
Mrs. Sydney Leach, Vice Chair  
Mr. Ralph Lopez, Chair  
Mr. Leo Nichols  
Mr. Vincent Novak  
Mayor Frank Druetzler  
Leon Hall, Borough Engineer  
Elizabeth Lehney, Borough Planner  
Mr. Edward Buzak, covering for C. Falcon, Bd. Attorney

Absent: Mr. Hank Sawoski

### **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 portion of the meeting to the public.

### **APPROVAL OF MINUTES**

Mr. Lopez requested a motion for the approval of the meeting minutes of the Board's Regular Meeting held on May 11, 2015.

Mr. Nichols moved that the minutes as circulated be approved, seconded by Mr. Jensen.

Roll Call

Yeas: Mr. Coogan, Mr. Cortese, Mr. Jensen, Mrs. Leach, Mr. Lopez,  
Mr. Nichols, Mayor Druetzler

Nays: None

Abstain: Mr. Novak

Absent: Mr. Sawoski

**Motion carried.**

Mr. Lopez requested a motion for the approval of the meeting minutes of the Board's Special Meeting held on May 27, 2015.

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

Roll Call

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

Nays: None

Abstain: Mr. Coogan

Absent: Mr. Sawoski

**Motion carried.**

**CORRESPONDENCE AND BILLS**

Mr. Nichols read the vouchers for approval.

**Clarke Caton Hintz** P.O. #97287 \$ 387.50

For Professional Services rendered to the Planning Board – *M&M at Morris Plains, LLC v. Borough of Morris Plains and Morris Plains Planning Board*  
Court-Appointed Master

**Edward J. Buzak, Esq.** P.O. #97283 \$2,750.00

For Professional Services rendered to he Planning Board – Mack Cali  
Johnson Road, LLC – 4/21/15 to 5/20/15

**Anderson & Denzler Associates, Inc.** P.O. #97285 \$ 76.00

For Professional Services rendered to the Planning Board, April 2015

**Phillips Preiss Grygiel, LLC** P.O. #97286 \$ 945.00

For Professional Services rendered to the Planning Board, April 2015

**Maraziti Falcon LLP** P.O. #97279 \$  
**560.00**

For Professional Services rendered to the Planning Board – *M&M at Morris Plains v. Morris Plains*, Docket No. MRS-L-296-13 PW

For Professional Services rendered to the Planning Board – *JMF v. Borough of Morris Plains, et al.* \$ 210.00

Mr. Nichols moved that the vouchers as read be approved for payment, seconded by Mr. Novak.

Roll Call

Yeas: Mr. Coogan, Mr. Cortese, Mr. Jensen, Mrs. Leach, Mr. Lopez,  
Mr. Nichols, Mr. Novak, Mayor Druetzler

Nays: None

Abstain: None

Absent: Mr. Sawoski

**Motion carried.**

**PB-2-15 Mack-Cali–Johnson Road, LLC - Block: 171 Lot: 1 – 250 Johnson Rd.  
Approval of Resolution**

Mr. Lopez stated this item is on tonight’s agenda for approval of the Resolution.

Mr. Buzak summarized the application and the Resolution and also reviewed the various conditions included as part of the approval of this Resolution. He referred to No. 4 – that the plans be revised if required by the Borough Engineer or the Borough Planner.

Another condition requests consideration of using garage facade materials that are similar in color and texture to the building facade. Building A and the parking garage appended to it should be constructed in such a way to ensure the north-facing facade wall not be visible from Johnson Road or the other nearby roadways. He reviewed additional conditions that included such items as the execution of the Developer's Agreement and what it must include; posting of certain bonds; sewer connection fees amounts; handicapped parking requirements; contribution to the cost of the new pump station; amended Easement Agreement; off-tract improvements; street lighting; snow and ice removal, road improvements and maintenance; refuse removal; recycling disposition; and any rights to reimbursements from the Borough. He also stated who will be reviewing documentation and who will receive copies of same. Mr. Buzak stated that the Applicant will deed restrict and record in the office of the Morris County Clerk a deed restriction preventing Block 171, Lots 38 and 1.01 from any residential development ever occurring on this property. This deed restriction will run with the land in perpetuity and the beneficiaries thereof will be the Borough and its citizens. Referring to the Borough Engineer's May 7, 2015 letter, he stated that the Applicant must comply with all the comments of the Borough Engineer; he specifically pointed out Subsection D (Application Comments – 17 comments). The two pond aerators need to be replaced by the Applicant and will need to be maintained by them. Mr. Buzak commented on possible approvals that may be needed from agencies such as the Morris County Planning Board, the Borough of Morris Plains regarding permits, the Morris County Soil Conservation District, Morris Township in connection with sanitary sewage treatment, and the Southeast Morris County MUA as it relates to water. Mr. Buzak reviewed conditions the Applicant must comply with prior to any construction taking place: various fees; scheduling a pre-construction meeting with the Borough Engineer; submission of construction cost estimates for determination of the inspection fee; payment of all inspection fees; and issues relating to trees and shrubs that will be saved, including installation of orange construction snow fencing to protect these trees and shrubs. There must also be a delineation of the species spacing, and size of new trees and shrubs to be planted. Mr. Buzak next reviewed specific conditions relating to all that must occur prior to the issuance of any Certificates of Occupancy. These included conditions relating to fire department requirements; police department requirements, escrow requirements as well as a number of other matters.

Mr. Buzak concluded his summary of the Resolution and believes it accurately reflects the Planning Board's determination relating to this project. He thanked the Borough Engineer and Borough Planner for their assistance in developing this Resolution and its conditions to ensure a successful project that meets the requirements of the Board.

Mrs. Leach requested that a condition be added to require a noise/sound test to test the noise created by the HVAC equipment on the building roofs.

Mr. Hall stated his recollection of the testimony offered by the Applicant's architect is that in the architect's professional opinion that this equipment would comply with all

relative New Jersey Department of Environmental Protection (NJDEP) noise standards. He suggested the Board could include a sound test as a condition or not do so and instead rely on the Zoning Officer to deal with any complaint that might occur. He does not believe there will be a noise problem, but will support whatever decision the Board makes.

It was decided that a noise/sound test requirement would be added as a condition.

Mr. Lopez opened this portion of the meeting for questions or comments from the public.

Mr. Michael Kibalo, 12 Bryce Way, Morris Plains, asked when the Resolution will be available for the public to review.

Mr. Buzak responded that it should be available later this week.

Hearing no further questions or comments, Mr. Lopez closed this portion of the meeting to the public.

Mayor Druetzler moved that this Resolution be approved as read and reviewed by the Attorney, seconded by Mrs, Leach.

Mr. Coogan advised that he listened to the tape of the May 27, 2015 Special Meeting of the Planning Board and therefore is allowed to vote.

The Board Secretary testified that Mr. Coogan did indeed listen to this tape.

Roll Call

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

**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 at this meeting.

### **Master Plan Review Committee**

No report was presented at this meeting.

## **NEW BUSINESS**

### **Resolution Authorizing the Execution of the Confidentiality Agreement**

Mr. Buzak advised of the fact that the Borough and the Planning Board are engaged in litigation with M & M regarding the old Warner Lambert/Pfizer site on Route 53 in connection with a Builder's Remedy lawsuit. As a part of the discovery phase of this litigation, certain confidential documents may be furnished to counsel for the Borough and the Planning Board. However, the confidentiality of these documents must be continued and maintained even though they would be "outside the circle of M & M". The attorneys involved with this litigation will be signing this agreement. He explained exactly what the agreement will require of Board members, Governing Body members, and professional staff and employees of the Planning Board – while these individuals may read and share this documentation, it cannot be distributed to anyone else. There is a series of specific actions as to how the attorneys can use these documents.

Mr. Lopez read this Resolution.

Mrs. Leach moved that the Board approve this Resolution, seconded by Mr. Coogan.

#### Roll Call

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

#### **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.

## **OLD BUSINESS**

None.

Mr. Creton Kalifoglou, 37 Janeway Place, Morris Plains, stated that he and his neighbors are concerned about two issues. They have provided a petition to the Board that was delivered late last week. He left a copy dated June 7, 2015 for the Board. He also read the text of the petition. The petition included requests for such issues as (1) traffic studies of various Borough intersections and (2) school capacity study(ies) using information provided by the Morris Plains Board of Education and other experts in this field.

Mr. Lopez thanked Mr. Kalifoglou for the work and effort he put into this petition. He also stated that this petition would have been more beneficial if it had been presented at an earlier stage in this process.

Mayor Druetzler commented on planned and opposed Route 53 development. He also provided historic information about when Warner Lambert was there and had 4,500 employees on a two-lane roadway. He also commented on past and possible traffic studies; Route 53 and Route 10 traffic flows; the benefits of Honeywell coming to the Borough; past and future traffic in the Borough; the M & M litigation; the future assisted living facility to be built where Bretton Woods is today; school capacity issues, including that there were 21 less students at the start of school this year than last year; that there are 14 out-of-district students in the school system; and the Borough's need to adjust to the current economy and also changing demographic desires, especially relating to older residents who want to remain in the Borough, but find limited housing of the kind they believe they need as they grow older.

Mr. Kalifoglou, 37 Janeway Place, Morris Plains, pointed out the points that he respectfully disagreed with Mayor Druetzler. He believes it is important that the public brings these kinds of concerns to the attention of the Governing Body and the various Boards.

Mayor Druetzler commented on other building projects that have occurred in the Borough such as Coventry Park. He also attempted to provide information to allay the growth in traffic concerns resulting from additional housing construction.

Mr. Kalifoglou commented on traffic study(ies) and that the trip generation comparison is not fully indicating what really is happening on the Borough roadways, including those nearest to where he lives. He specifically compared his views of traffic to/from office buildings and traffic to/from residences. He commented on formulas and factors that comprise the calculations for traffic studies – he does not believe they are reflecting the actual conditions.

Cross discussion about issues relating to traffic and traffic studies addressing both office/commercial and residential impacts on the Borough's traffic flows.

Mr. Hall provided comments on this matter. He provided Mr. Kalifoglou with the name of a traffic consultant he is familiar with – Harold Moltz of Hammill Associates. He talked about the trip generation data that the Applicant submitted. This is the accepted engineering standard to use to generate trip generation for peak hours in and out. There will be a decrease in overall traffic office building to residential. He stated he completely agrees with the Applicant's position. If he believed there would be a significant impact on the Borough's roadways and on the nearby residents, he would have recommended a traffic study and that a traffic consultant be engaged.

Cross discussion about varying requirements when on a County/State roadway versus on a local roadway.

Mr. Lopez stated that the Board relies on the information provided by its Professionals to guide it toward making decisions that are the most beneficial to the Borough and to its residents.

Mr. Bill Keating, 38 Janeway Place, Morris Plains, asked if the Borough would consider re-opening the K-4 school on Jim Fear Drive that is basically empty versus possibly building an addition onto an existing Borough school.

Mayor Druetzler commented on this matter stating that Borough residents have become quite used to having a community center to use, and the idea of re-opening the facility as a school would not be a feasible idea at this point in time.

Ms. Jennifer Greenfield, 30 Janeway Place, Morris Plains, asked if the Borough would take steps to provide a solution to an unanticipated traffic problem that might result from the Johnson Road Mack-Cali project.

Cross discussion as to what the Borough could do to address any unanticipated traffic problems, including that Mayor Druetzler stated there will always be traffic and there is very little that can be done to absolutely fix this and also that most drivers are always seeking out the fastest routes to where they are going. Widening the roads will not help either since once widened these roads, too, will be filled up with traffic.

## **ADJOURNMENT**

Mrs. Leach moved that this Regular Meeting be adjourned, seconded by Mr. Jensen. Voice Vote. All in Favor.

**Motion carried.**

Karen M. Coffey  
Commission Secretary

Maureen Sullivan  
Recording Secretary