

Minutes of the Re-Organization Meeting of the Morris Plains Planning Board held on January 18, 2016, 2015 at 7:30 P.M. in the Council Chambers, 531 Speedwell Avenue.

The following members were present:

Present: Mr. George Coogan, Vice Chairman  
Mr. Salvatore Cortese  
Mr. Andre Jensen  
Mrs. Sydney Leach  
Mr. Ralph Lopez, Chairman  
Mr. Leo Nichols  
Mr. Vincent Novak  
Mr. Hank Sawoski  
Mayor Frank Druetzler  
Leon Hall, Borough Engineer  
William Denzler, Borough Planner  
Christopher Falcon, Board Attorney

Absent: None

### **PLEDGE OF ALLEGIANCE**

The meeting was called to order by Mayor Druetzler. Mayor Druetzler 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."

Mayor Druetzler advised that Mr. Andre Jensen and Mr. Ralph Lopez were re-appointed as Class IV members of the Board, Mr. Hank Sawoski was re-appointed as a Class II member, and Mr. Salvatore Cortese was appointed as a Class III member representing the Governing Body. There are no alternate members as of this time.

### **ELECTION OF OFFICERS**

Mayor Druetzler stated the next order of business is the nomination of Board Chairman to serve in 2016.

### **NOMINATIONS FOR BOARD CHAIRMAN**

Mrs. Leach nominated Mr. Ralph Lopez for Chairman of the Planning Board for the year 2016, seconded by Mr. Sawoski.

Mayor Druetzler asked if there were any additional nominations. There being no further nominations, Mayor Druetzler declared the nominations closed and asked for a roll call on the nomination of Mr. Ralph Lopez as Chairman.

Roll Call

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

Abstain: Mr. Lopez

Nays: None

**Motion carried.**

### **NOMINATIONS FOR BOARD VICE CHAIR**

Mr. Lopez nominated Mr. George Coogan for Vice Chair of the Planning Board for the year 2016, seconded by Mr. Novak.

Mayor Druetzler asked if there were any additional nominations. There being no further

year 2016, seconded by Mr. Novak.

Mayor Druetzler asked if there were any additional nominations. There being no further nominations, Mayor Druetzler declared the nominations closed and asked for a roll call on the nomination of Mr. George Coogan as Vice Chair.

Roll Call

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

Abstain: Mr. Coogan

Nays: None

**Motion carried.**

Mayor Druetzler congratulated Mr. Lopez and Mr. Coogan on election to their positions of Chair and Vice Chair, respectively, of the Planning Board. He also thanked all Board members for their time and service. He specifically thanked Mrs. Leach for her many years of serving as the Board’s Vice Chair.

**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.

Mr. Lopez stated the next order of business is to adopt the Resolution to approve meeting dates for 2016, Planning Board Resolution No. 16-01 - "Notice of Meeting Dates". Mr. Lopez read the following Resolution:

**PLANNING BOARD RESOLUTION NO. 16-01  
NOTICE OF MEETINGS**

**BE IT RESOLVED** by the Planning Board of the Borough of Morris Plains, in the County of Morris and State of New Jersey as follows:

**WHEREAS**, Chapter 231 of the Public Laws of the State of New Jersey for 1975, known as and hereinafter designated as the "Open Public Meetings Act", requires notification of meetings of public bodies, as therein defined, in the manner therein set forth.

**NOW THEREFORE, FOR PURPOSES OF COMPLIANCE WITH THE "Open Public Meetings Act"** aforesaid, the Planning Board of the Borough of Morris Plains hereby makes the following designations:

1. *The Morris News Bee* and the *Morris County Daily Record* are hereby designated as the two newspapers to receive notice of meetings as required by any and all sections of the "Open Public Meetings Act", it appearing that those newspapers are most likely to inform the local public of such meetings.
2. The location for the posting of the notice of meetings shall be the bulletin board of the Borough Hall.
3. The sum of \$5.00 is hereby fixed as the amount to be paid by any persons requesting individual notice of meetings as provided in Section 14 of the "Open Public Meetings Act".
4. The regular meetings of the Planning Board for the year 2016 shall be: February 8<sup>th</sup>, March 21<sup>st</sup>, April 18<sup>th</sup>, May 16<sup>th</sup>, June 20<sup>th</sup>, July 18<sup>th</sup>, August 15<sup>th</sup>, September 19<sup>th</sup>, October 17<sup>th</sup>, November 7<sup>th</sup>, December 12<sup>th</sup> and January 16<sup>th</sup>, 2017 at 7:30 PM.
5. All meetings of the Planning Board shall be open to the public.

\*\*\*\*\*

Mr. Nichols moved that Planning Board Resolution 16-01 be approved as read, seconded by Mrs. Leach.

Roll Call

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

Abstain: None

Mr. Nichols, Mr. Novak, Mr. Sawoski, Mayor Druetzler  
Abstain: None  
Nays: None

**Motion carried.**

Mr. Lopez stated the next order of business is to adopt of a Resolution for Professional Services for the year 2016, Planning Board Resolution No. 16-02 "Professional Services".

Mr. Lopez read the following Resolution:

**PLANNING BOARD RESOLUTION NO. 16-02  
LEGAL NOTICE  
BOROUGH OF MORRIS PLAINS  
MORRIS COUNTY, NEW JERSEY  
PLANNING BOARD PROFESSIONAL SERVICES**

**WHEREAS, THE Planning Board of the Borough of Morris Plains desires to retain the services of planning consultants, an engineer and an attorney to perform professional services as required for the year 2016: and**

**WHEREAS, the foregoing services are "professional" services as in N.J.S.A. 40A:11-2(6) which are permitted to be contracted without public bidding as set forth in N.J.S.A. 40A:11-5(1) (a) and as a "non-fair and open" contract pursuant to the provision of N.J.S.A 19:44A-20.5; and**

**WHEREAS, the Board has determined that the value of each of the professional services will exceed \$17,500; and,**

**WHEREAS, each of the professional consultants named below have completed and submitted a Business Entity Disclosure Certification which certifies that each firm has not made any reportable contributions to a political or candidate committee represented by a Board member in the previous one year, and that the contract will prohibit the below listed firms from making any reportable contribution through the term of the contract; and**

**WHEREAS, the Board has determined after due consideration that the following named individuals shall be appointed to fill the positions hereafter designated:**

**NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Morris Plains as follows:**

- 1. The Board retains the services of the following to be compensated pursuant to the sums appropriated for the purpose in the duly adopted municipal budget for the year 2016:**
  - a) Planning Consultant – William C. Denzler of William Denzler and Associates and Planning Consultants – Paul A. Phillips and Elizabeth Leheny of Phillips Preiss Grygiel LLC**
  - b) Engineer – Leon C. Hall of Anderson and Denzler Associates, Inc.**
  - c) Board Attorney – Christopher H. Falcon, Esq. of Maraziti Falcon, LLP.**
- 2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution and,**
- 3. The Board Secretary shall cause a copy of this Resolution to be published in accordance with N.J.S.A. 40A:11-5 (1) (a) (i).**
- 4. This Resolution shall take effect as provided by law.**

\*\*\*\*\*

Mr. Nichols moved that Planning Board Resolution 16-02 be approved as read, seconded by Mr. Cortese.

Roll Call

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

Abstain: None

Nays: None

Abstain: None

Nays: None

**Motion carried.**

Mr. Lopez stated the next order of business is to adopt of a Resolution for Minor Site Plan Committee for the year 2016, Planning Board Resolution No. 16-03 "Minor Site Plan Committee". Mr. Lopez read the following Resolution:

**PLANNING BOARD RESOLUTION NO. 16-03  
MINOR SITE PLAN COMMITTEE**

**BE IT RESOLVED by the Planning Board of the Borough of Morris Plains in the County of Morris and State of New Jersey on this 18<sup>th</sup> day of January 2016:**

1. **The following individuals are hereby appointed to the Minor Site Plan Committee from the date hereof until December 31, 2016:**
  - a) **Vince Novak, Chairman**
  - b) **Andre Jensen**
  - c) **Hank Sawoski**

2. **This Resolution shall take effect as provided by law.**

\*\*\*\*\*

Mr. Nichols moved that Planning Board Resolution 16-03 be approved as read, seconded by Mrs. Leach.

Roll Call

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

Abstain: Mr. Jensen, Mr. Novak, Mr. Sawoski

Nays: None

**Motion carried.**

Mr. Lopez stated the next order of business is to adopt of a Resolution for Master Plan Review Committee for the year 2016, Planning Board Resolution No. 16-04 "Master Plan Review Committee". Mr. Lopez read the following Resolution:

**PLANNING BOARD RESOLUTION NO. 16-04  
MASTER PLAN REVIEW COMMITTEE**

**BE IT RESOLVED by the Planning Board of the Borough of Morris Plains in the County of Morris and State of New Jersey on this 18<sup>th</sup> day of January 2016:**

1. **The following individuals are hereby appointed to the Master Plan Review Committee from the date hereof until December 31, 2016:**
  - a. **Leo Nichols, Chairman**
  - b. **Salvatore Cortese**
  - c. **Sidney Leach**
  - d. **George Coogan**

2. **This Resolution shall take effect as provided by law.**

\*\*\*\*\*

Mayor Druetzler moved that Planning Board Resolution 16-04 be approved as read, seconded by Mr. Sawoski.

Roll Call

Yeas: Mr. Jensen, Mr. Lopez, Mr. Novak, Mr. Sawoski, Mayor Druetzler

Abstain: Mr. Coogan, Mr. Cortese, Mrs. Leach, Mr. Nichols

Nays: None

**Motion carried.**

**APPROVAL OF MINUTES**

Mr. Lopez requested a motion for the approval of the meeting minutes of the Board's Regular

## APPROVAL OF MINUTES

Mr. Lopez requested a motion for the approval of the meeting minutes of the Board's Regular Meeting held on December 7, 2015.

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

Roll Call

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

**Motion carried.**

## CORRESPONDENCE AND BILLS

Mr. Nichols read the vouchers for payment.

**Anderson & Denzler Associates, Inc. P.O. #98691 \$  
152.00**

For Professional Services rendered to the Planning Board, December 2015

**Maraziti Falcon, LLP P.O. #99997 \$2,042.50**

For Professional Services rendered to the Planning Board - \$905.00 (Retainer)  
Legal Research - \$122.50 (Non-Retainer)

*M & M at MPlains v. Boro of MPlains*, Docket #MRS-L-296-13PW **\$1,015.00**

**Clarke Caton Hintz P.O. #98678 \$1,137.50**

For Professional Services rendered to the Pl. Bd. Court-Appointed Master,  
*M&M at MP, LLC v. Boro & Pl. Bd. of MP*, Docket No. MRS-L-296-13

**Clarke Caton Hintz P.O. #98680 \$ 484.65**

For Professional Services rendered to the Pl. Bd. Court-Appointed Master,  
*M&M at MP, LLC v. Boro & Pl. Bd. of MP*, Docket No. MRS-L-296-13

**Clarke Caton Hintz P.O. #99996 \$ 437.50**

For Professional Services rendered to the Pl. Bd. Court-Appointed Master  
*M&M at MP, LLC v Boro & Pl. Bd. of MP*, Docket No. MRS-L-296-13

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

Roll Call

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

**Motion carried.**

## APPLICATIONS

**PB-4-15 Morris Plains Holding UE LLC – Memorialization of Resolution  
Block: 161 Lots: 1 & 3 & Block: 161.05 Lot: 3.01  
1701, 1705 & 1711 Route 10 East & Littleton Road**

Mr. Falcon provided a brief summary relating to this application. He read the Resolution.

Mr. Coogan moved that this Resolution be approved, seconded by Mrs. Leach.

Roll Call

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

**Motion carried.**

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.

**PB-4-06      900 American Road, LLC – Block: 11   Lot: 6**  
**Requesting Extension of Site Plan Approval**

Mr. Lopez stated this next matter on the agenda is to request an extension of site plan approval.

Ms. Catherine Nolan explained in further detail what the Applicant is seeking with this application. The Applicant would like an extension of site plan approval that was originally granted on November 19, 2007 and is currently set to expire on June 3, 2106. The Applicant is seeking an extension to June 30, 2017 so that the Applicant can proceed with the development. She advised of a professional engineer who will provide testimony supporting the application.

Mr. Falcon swore in Mr. William Page who provided a business address of 6 Forest Avenue, Paramus, New Jersey. Mr. Page advised he had documentation relating to the initial 2007 approval as well as what the changes are. He stated there are three drawings, the first being the site plan, the second shows what was approved in 2007, and the third shows the current site plan. He advised they have had two meetings with Mr. Hall. He also explained a number of the challenges they have had over the years, specifically mentioning issues relating to drainage and the wetland pond. He provided information relating to stormwater containment on their property and to retention systems.

As to the second drawing, he stated it represents the grading plan. He referred to a dark and shaded area and how it relates to the stormwater from the roof and to a water treatment facility and the final discharge into the wetland pond. He stated that the dash lines represent their underground detention system. He pointed out an additional underground system and an open pond for water quality. All the stormwater is conveyed over to the pond on the other side of 900 American Road. He advised that certain elements remain the same as it was at the time of the 2007 approval.

The third drawing shows the utilities, including water utilities and requests from the water utility company, a water sampling pit, and water pipes. It also locates their underground detention system and the pond.

Mr. Page stated the building is exactly the same, as are the roads, the loading docks, the curb, and the floor elevations. The big change is that now they will contain the stormwater on their property and going through the filtration process and then discharging offsite. He provided certain more detailed information in response to questions from Board members, including where cars and trucks were likely to be on the property.

Ms. Nolan and Mr. Page provided some additional information concerning certain approvals, line verification extension, water approvals, soil conservation approval, the Department of Environmental Protection (DEP) Permit Extension Act and their guidelines. The Applicant's application request is essentially requesting a "cushion" even though the expiration is not until June 2016.

Mr. Hall spoke about the fact that DEP requires that "any change in plans must be approved by the DEP in writing." He insisted and told the Applicant that they must return to DEP and obtain in writing DEP approval of their most current plans. He believes they must "cover themselves" by getting the DEP written prior approval for changes. He also requested that the Applicant obtain a re-confirmation from the

return to DEP and obtain in writing DEP approval of their most current plans. He believes they must "cover themselves" by getting the DEP written prior approval for changes. He also requested that the Applicant obtain a re-confirmation from the County Planning Board that this plan is acceptable to them; he wants the County to sign off on the changed plans.

Mr. Falcon advised that once the County and the State give their approvals there is no need for the Applicant to return to the Board for amended site plan approval.

Mr. Page concurred with Mr. Falcon's statement as immediately above.

Mr. Cortese asked for additional information concerning the detention system depicted on Page 3 of 3. Were there any required percolation tests or will there be charge? He also asked for additional information about the proposed pipes.

Mr. Page responded there will be ground water recharge. He provided details about the pipes to be installed to give Mr. Cortese additional data about the pipes and their location and catch basins/manholes.

Mr. Denzler stated he had reviewed the plans and the changes proposed to the stormwater management system.

Mayor Druetzler asked if they had met with the Morris County Park Commission regarding these changes. He thought that perhaps Mr. Hall would require this.

Ms. Nolan and Mr. Page had no comment.

Mr. Falcon swore in Mr. Andrew Billing, 119 Littleton Road, Parsippany, who asked if the Mayor's concern perhaps related to Patriots Path.

Mayor Druetzler provided additional commentary as to his recollection of possible future work projects in connection with the Morris County Park Commission and Patriots Path, particularly a pathway to Hanover Township, restarting a path, and a right-of-way.

Mr. Billing thanked the Board.

Mayor Druetzler moved to direct the Board Attorney to prepare an authorizing resolution approving this application for extension and that it be memorialized at the Board's next meeting seconded by Mr. Nichols.

Roll Call

Yeas: Mr. Coogan, Mr. Cortese, Mr. Jensen, Mrs. Leach, Mr. Lopez,

Mr. Nichols, Mr. Novak, Mr. Sawoski, Mayor Druetzler

Abstain: None

Absent: None

Nays: None

**Motion carried.**

## **COMMITTEE REPORTS**

### **Minor Site Plan Committee**

Mr. Novak reported that the Zoning Officer advised he was approached by a company that is interested in a building on American Road. This company hosts parties for children; however, this is not an approved use in this area. It is anticipated that this company will make an application.

Mr. Falcon advised that this company would have to appear before the Board of Adjustment if their proposed business was not a permitted use – this would require a use variance. This company would not come to the Planning Board.

Adjustment if their proposed business was not a permitted use – this would require a use variance. This company would not come to the Planning Board.

Several people believed the building this company is interested in is Building #4.

Mayor Druetzler commented on a business that was “right next to the railroad” that had baseball and related activities. He believes this business appeared before the Planning Board. The business as explained to him by the Zoning Officer would mainly consist of parties held mostly on the weekends.

Further research will be done in relation to the company that would like to open a business on American Road and discussion will be held with the Zoning Officer.

### **Master Plan Review Committee**

No report was presented at this meeting.

### **OLD BUSINESS**

Mayor Druetzler congratulated Mr. Falcon on his long service to the Borough as Planning Board Attorney.

Mr. Falcon replied that “it has been a pleasure”.

### **Application for Development - Revised**

Mayor Druetzler commented on the Kinsey Report (fair share housing). He advised that builders would claim that the Borough’s third round numbers are 440 units. He advised that the Borough has hired a consultant along with another 250-260 municipalities who advises that the need is 41. There is also rehab (32) – an existing house that may not meet the standards that have been established. “The number that we are really concerned about is 41.” However, a judge will make the final decision on this number. The number of 41 is in addition to the 144 obligated to from Rounds 1 and 2. He stated he believes some numbers are exaggerated. He also commented that the situation has changed in New Jersey since 1985. Migration is not so great any longer from the cities to the suburbs; more people are moving to the cities today.

Cross discussion about this subject of fair share housing.

Mayor Druetzler stated that with the 56 units at the affordable housing site, the Borough would meet the requirements of Round 3 – 41 units. There will eventually be an agreement in connection with more housing in connection with the M & M property. He continued to provide additional commentary on what could happen going forward and issues relating to keeping the Borough at a manageable size for the future, such as total number of housing units added to the Borough, number of residents, and changing demographics. But, of course, there is no way to absolutely know what a judge will decide. He believes the decision will be made some time in February. The Master must also concur.

Mr. Falcon stated that the Kinsey and other reports are extremely complex and include a 35-step analysis to determine the number. It is intense. It is their opinion based on the interests of their clients (the builders and the fair share groups). He shared some of his thoughts on this entire matter. He spoke about the “special” judges who have been appointed to handle issues relating to the matter in the State.

Mayor Druetzler reminded of the various new construction projects in the Borough that will provide for fair share housing and what the positive impact of this may be.

Cross discussion among Board members about this subject matter.

Cross discussion among Board members about this subject matter.

Mr. Coogan pointed out the differences between affordable housing and public housing.

Mr. Denzler also provided commentary about housing categories.

**NEW BUSINESS**

None.

Mrs. Leach moved that the Regular Meeting be adjourned, seconded by Mr. Nichols. Voice Vote. All in Favor. **Motion carried.**

Karen M. Coffey  
Commission Secretary

Maureen Sullivan  
Recording Secretary