

Minutes of the Regular Meeting of the Morris Plains Planning Board held on February 8, 2016 at 7:30 P.M. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Present: Mr. Salvatore Cortese
Mrs. Sydney Leach
Mr. Ralph Lopez, Chair
Mr. Leo Nichols
Mr. Hank Sawoski
Mayor Frank Druetzler
William Denzler, Borough Planner
Christopher Falcon, Board Attorney

Absent: Mr. George Coogan, Vice Chair
Mr. Andre Jensen
Mr. Vincent Novak
Leon Hall, Borough Engineer

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. e commented

APPROVAL OF MINUTES

Mr. Lopez requested a motion for the approval of the meeting minutes of the Board's Re-Organization Meeting held on January 18, 2016.

The Board Secretary advised that on Page 52 (Page 7) – Application PB-4-06, third line, "It is currently set to expire June 3, 2106". It should read "June 3, 2016". She also revised the minutes to reflect that Mr. Cortese abstained from the Resolution voting since he was not present at the December Board meeting.

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

Roll Call

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

CORRESPONDENCE AND BILLS

will make it a part of the Resolution.

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

Roll Call

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

ORDINANCE #1-2016 REVIEW

Mr. Lopez stated this is on tonight's agenda for review.

Mayor Druetzler stated this ordinance relates to the matter of Borough property owners having boarders. Additionally, it also relates to our "new world" and the existence of AirBnB.

Mr. Lopez suggested the term "transient boarders".

Mayor Druetzler advised of a committee headed up by Mr. Cortese that has spent much time studying this matter and how best to address it. He stated that the only way that was identified to address this issue was to rescind the ordinance. Anyone who currently has a boarder and the AirBnB resident will be grandfathered. This is not a situation the Borough wants to encourage or see "popping" up all over the Borough.

Mrs. Leach asked how the grandfathering provision would be ungrandfathered.

Mayor Druetzler thought that would occur if the property was sold.

Cross discussion about this situation, including that the grandfathering runs with the land.

Mayor Druetzler explained some more of the background of this situation using as an example of when a property owner rents a house to another person and that person becomes involved with

AirBnB. He discussed this with the property owner who advised him that he had discussed this with the Zoning Officer. This property owner also stated it was not a problem for him. He continued to provide additional information about this specific situation here in the Borough. He also advised that Morris Township is working to create similar legislation and that they apparently have identified a way to do what they want to do, but no one else has found a way. If this is true, Morris Plains may again change this ordinance using the Morris Township ordinance as the foundation.

Cross discussion among Board members on their thoughts as to why this kind of situation would not be a good idea for the Borough – and spread across the Borough.

Mr. Lopez thanked Mr. Cortese and his committee for their efforts and time in investigating this matter.

Mr. Denzler provided commentary on this situation and referred to the creation of the ordinance in 2008 because of concerns raised by the Zoning Officer. By removing these provisions, the Borough should be successful in eliminating what has been taking place. He reviewed this ordinance in terms of the Master Plan and all is still consistent with the goals and objectives of the Borough's Master Plan.

Mr. Falcon read a proposed Resolution to address the Board's review of the adoption of this ordinance on First Reading by the Governing Body.

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

Mr. Lopez asked if this applies to two-family structures.

Mr. Denzler stated this was not permitted in any single family zone. This could not happen in a townhouse zone; it could only happen in single-family zones.

Roll Call

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

Nays: None

Abstain: None

Absent: Mr. Coogan, Mr. Jensen, Mr. Novak

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.

NEW BUSINESS

Mayor Druetzler advised of the upcoming PSEG project that will be taking place in the Borough. He does not have detailed information at this point in time. The project relates to the need to replace all cast iron gas lines in the State; a billion dollar project. Work will begin this year in Morris Plains – on five miles of roadway in the Borough – but not all roads will need to be

excavated. More information will be forthcoming as the work timeframe comes closer; work may begin as early as April 2016. He stated some of the work will take place along Route 202 and Park Road. This project will create significant activity in the Borough, and it will be disruptive.

This PSEG program is a three-year program; however, he does not know if PSEG will be in Morris Plains in the second and third years also.

Mr. Cortese commented on this proposed work, sharing what he has learned in one or more meetings about this project. Part of the reason for this upgrading work is to increase the pressure; the current piping cannot accommodate this pressure increase.

Cross discussion about the upcoming PSEG work project, including past discussions with PSEG relating to pressure issues; not being able to install generators in certain locations of the Borough due to lack of pressure problems; their request that gas meters be installed on the outside of the houses/buildings; and the desire to work with PSEG in a most cooperative manner to keep this project moving along in a timely way.

Mayor Druetzler advised that PSEG has assured him that residents will be notified prior to this work being done.

Mr. Cortese commented that oftentimes when the County oversees jobs, there are not enough inspectors.

Mayor Druetzler stated the County must inspect their own roads; that is their responsibility and there are only two people to do this work due to cutbacks by the Freeholders. He also advised that Mr. Hall probably will hire an inspector for a period of time and that PSEG will pay for this inspector.

Continued cross discussion about the PSEG gas pipes project.

Mr. Lopez asked about property on Route 53.

Mayor Druetzler stated he believes there is sufficient pressure at this site. PSEG tapped into a gas line in this vicinity when Pfizer was working on a large project and knew they needed gas. At a point in time PSEG added liquid gas into the system because they were unable to obtain adequate natural gas west. He stated he has shared all the information about this project that he knows right now.

Cross discussion about a variety of additional activities taking place in the Borough such as the razing of Bretton Woods. The water pipe situation in Flint, Michigan also came up for discussion, including that there are municipalities in New Jersey that have similar problems.

OLD BUSINESS

Mayor Druetzler advised that there will be a meeting this month with the Judge in the legal matter involving M & M. The meeting will be held in Morristown. The Master will also be involved in this meeting.

EXECUTIVE SESSION

The Board Secretary read the Resolution authorizing the Board to go into Executive Session:

BE IT RESOLVED THAT Resolution 16-08 entitled “Executive Session” be adopted.

The Executive Session is needed to discuss the litigation involving M & M at Morris Plains LLC v. the Borough of Morris Plains and the Borough of Morris Plains Planning Board.

Mr. Nichols moved that the Planning Board be authorized to enter Executive Session, seconded by Mrs. Leach.

Roll Call

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

Nays: None

Abstain: None

Absent: Mr. Coogan, Mr. Jensen, Mr. Novak

Motion carried.

Mrs. Leach moved that the Executive Session be closed, seconded by Mr. Nichols.
Voice Vote. All in Favor. **Motion carried.**

ADJOURNMENT

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

Karen M. Coffey
Commission Secretary

Maureen Sullivan
Recording Secretary