

Minutes of the Regular Meeting of the Morris Plains Planning Board held on July 18, 2016 at 7:30 P.M. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Present: Mr. George Coogan, Vice Chair  
Mr. Andre Jensen  
Mr. Ralph Lopez, Chair  
Mr. Leo Nichols  
Mr. Vincent Novak  
Mr. Hank Sawoski  
Mayor Frank Druetzler

Absent: Mr. Salvatore Cortese  
Mrs. Sydney Leach

Leon Hall, Borough Engineer  
Elizabeth Leheny, Borough Planner  
Christopher Falcon, Board Attorney

### **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 June 20, 2016.

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

### **Roll Call**

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

**Motion carried.**



Nays: None  
Abstain: None  
Absent: Mr. Cortese, Mrs. Leach

**Motion carried.**

Ms. Susan Sharp, an attorney representing the Township of Hanover, referred to a letter that was FAXed over to the Board earlier today addressing the August 1, 2016 date for the hearing. They are requesting an additional 30 days to give the Township and the 300 people who have been sued adequate time to acquire counsel, hire experts, and to do what they need to do.

The Applicant's attorney stated they prefer to stay with an August 1, 2016 date. The plans have been on file since June, and, from a land use perspective, this is not a complex matter. He stated the Applicant is hoping to organize a public communication session or meeting with members of the communities of Hanover Township and Morris Plains to explain who/what Mane, Inc. is, what they do, and address any concerns and questions that people may have. The Applicant would like to be able to do this prior to August 1, 2016. He believes there will be sufficient time to do what needs to be done on behalf of the Applicant with the date being kept at August 1, 2016.

Mr. Lopez provided information on the process of a public hearing

Anonymous comments were made by several people in the audience; one person inaudibly provided his name.

Mayor Druetzler commented on the application being declared incomplete; there was no other action taken in this matter so far tonight. He also commented on the public hearing process. He stated that Hanover Township has been aware of this application for some time, not just since yesterday or last week. He believes there is significant erroneous information "out there" via flyers and social media. There must be a hearing to allow the facts of this matter to be heard.

Ms. Sharp repeated her request that any hearing be held later than August 1, 2016.

Mr. Falcon added his commentary to this matter. For the hearing to take place on August 1, 2016, it depends on the Applicant addressing the information that is not included in the current application; this is why the application was declared incomplete. As far as the lawsuit, the Planning Board cannot enforce a restrictive covenant since this is a private undertaking between property owners – he believes there are several hundred involved based on what he reviewed on the list. This is not something that will be addressed or clarified here. This Board will have nothing to do with a hearing concerning the litigation or restrictive covenants; this would take place in a court house and does not involve the Planning Board.

Continued cross discussion about this matter in general and what date the hearing should be held on.

Mr. James Richardson, 45 Canfield Place, Morris Plains, commented on what he thinks of this application.

Mr. Mairella, the attorney for the Applicant, advised that notifications will be sent tomorrow advising of a public meeting on July 26, 2016, inviting everyone who wants to attend. Mane, Inc. will also offer tours of its facility in Wayne on July 27 and July 28 in the afternoons and evenings to allow people to observe what they do and how they do it. Mane does not emit fragrance odors.

An unnamed person referred to a lawsuit in which their neighbors are being sued by a company that wants to open a chemical plant right next door to them.

Various people continued to express their opinion that whatever is happening in Wayne does not necessarily mean this is exactly what will happen in Morris Plains as well as their general state of being upset with this application.

One speaker stated he wanted a meeting sooner rather than later to stop the continuing spread of public misinformation. This person also spoke about various environmental issues.

Mr. Lopez stated that the kind of questions and comments that are being raised at this meeting should be raised at the public hearing after testimony has been presented.

Cross discussion on the issues raised by this application continued.

The attorney for the Applicant stated that neither Mane, Inc. nor his law firm were responsible for the correspondence sent to property owners in connection with the lawsuit. Mane, Inc. is a Contract Purchaser of this land; it was the Seller who served the lawsuit. The lawsuit was served because Mane, Inc. raised a title objection in the review of the property. He again explained their desire to request an adjournment to August 1, 2016; he is not authorized to extend the meeting beyond that date. The Applicant is just trying to balance their desire to be in Morris Plains with the need to meet their obligations under their Purchase and Sale Agreement. He again referred to the information sessions the Applicant plans to host.

Ms. Maria Coriello, past Chairperson of the Hanover Township Planning Board, commented that she sympathizes with the Board and understands its position. She spoke about similar applications in Hanover Township where that Planning Board extended cases, particularly in situations like this one, where there is significant impact on residents. She continued stating that both Hanover

Township and Morris Plains are bedroom communities, not industrial communities. She did not believe the many outstanding issues could possibly be settled in the upcoming two weeks. She encouraged the Borough's Planning Board to delay the next meeting to a date later in the month of August.

One of the meeting attendees commented on the issue of covenants that prevent nuisances. The Applicant will not buy the property if these covenants remain in effect; they know they are a nuisance. He asked about existing land use/zoning restrictions that would prevent Mane, Inc. from residing in the Borough.

The Applicant's attorney made the statement Mane, Inc. does not concede that it is a nuisance in any way. Mane, Inc. wants the opportunity to show that it is not a nuisance.

Mayor Druetzler recommended that this meeting be carried to the Board's next regularly scheduled meeting on Monday, August 15, 2016. A second meeting should also be scheduled in case such a meeting is needed.

Ms. Susan Sharp, an attorney speaking on behalf of Hanover Township, stated they object to the hearing being scheduled for Monday, August 15, 2016; there is no reason this meeting cannot be postponed until sometime in September.

Mayor Druetzler added additional thoughts on his recommendation and the attendees' reaction to it. He moved that this meeting be moved to the Board's Monday, August 15, 2016 meeting and also that a second meeting be scheduled for Tuesday, August 16, 2016 if needed. This motion was seconded by Mr. Coogan.

Mr. Falcon stated that the Board's next meeting is already scheduled for Monday, August 15, 2016. It will be up to the Applicant to file the necessary documentation in a timely manner, and if this does not happen, the application will again be deemed incomplete and the matter will proceed along the normal timeline. He also referred to the scheduling of a second meeting on the following day; this would need a Resolution.

Mayor Druetzler stated he believed this second meeting would need to be held at the Community Center to accommodate all those who would want to attend.

Mr. Falcon advised Mr. Lopez to authorize the Board Secretary to notice a Special Meeting for Tuesday, August 16, 2016 to be held at the Morris Plains Community Center, 51 Jim Fear Drive, Morris Plains. The Applicant in their Notice must also state that the hearing will be held at the Community Center, not at the Borough Hall.

Mayor Druetzler moved the recommendation as made by Mr. Falcon, seconded by Mr. Coogan.

## **Roll Call**

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

## **Motion carried.**

An attendee raised a question about notification of the August meetings to all those who should be made aware of these meetings.

An attendee commented on the misinformation that appears on social media. He stated there was a meeting in Hanover Township last week, and he referred to some of what was discussed in that meeting and how some of it became the source of misunderstanding once on social media.

Mr. Lopez stated that the whole reason for these hearings is to share the facts of what is being proposed.

Mayor Druetzler concurred with this intent and very much wants the facts out.

Mr. Falcon presented additional comments about this application.

Other attendees also chimed in from time to time.

## **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**

None.

## **OLD BUSINESS**

None.

## **ADJOURNMENT**

Mr. Novak moved that the Meeting be adjourned, seconded by Mr. Nichols. Voice vote. All in favor. **Motion carried.**

Karen M. Coffey  
Commission Secretary

Maureen Sullivan  
Recording Secretary