

Minutes of the Re-Organization Meeting of the Morris Plains Planning Board held on January 21, 2013 at 7:30 P.M. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Present: Mr. Andre Jensen
Mrs. Sydney Leach, Vice Chair
Mr. Ralph Lopez, Chair
Ms. Suzanne McCluskey
Mr. Leo Nichols
Mr. Hank Sawoski
Mr. Donald Underhill
Mayor Frank Druetzler

Leon Hall, Borough Engineer
William Denzler, Borough Planner
Christopher Falcon, Board Attorney

Absent: Mr. Vincent Novak

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."

COMMENTS FROM THE PUBLIC

Mayor Druetzler opened the meeting to the public to speak on matters other than those on the agenda.

Mrs. Meredith Wernmiller, 8 Stiles Avenue, Morris Plains, stated she lives next to Quick Chek. She inquired about a possible purchase/sale of the property located at 6 Stiles Avenue.

Mayor Druetzler provided information as he is aware about the possible sale/purchase of this property by Quick Chek. He also included information about the last time this business appeared before the Planning Board, including that they may be appearing next before the Board in the spring 2013 and may be seeking the same type of relief as previously sought.

Mrs. Wernmiller raised concerns about the time of deliveries at 4:00 a.m.; use of a leaf blower at 3:00 a.m.; and accumulations of trash and debris in their yard area. She said these concerns were brought to their landlord's attention periodically. The fact that the store is open 24 hours is also of concern.

Mayor Druetzler stated it would be best for her to speak with the Zoning Officer about these concerns.

Mr. David Draghi, a member of Troop 112 (Morristown), explained he is working toward his Communications Life Skills badge for the Boy Scouts. He stated he needs to attend a public meeting and analyze a conflict situation raised at the meeting.

Mayor Druetzler provided explanatory commentary of what the role of the Planning Board is and also pointed out that the first matter discussed provides him with a conflict situation raised at a public meeting.

Messrs. Hall and Denzler also gave insight as to what their roles are.

Mr. Lopez also added some comments on the role of the Planning Board.

Mr. Draghi provided some additional information in response to questions posed by Mayor Druetzler.

Mayor Druetzler stated the first order of business is the re-organization of the Board for 2013. The following members were re-appointed to the Planning Board. Mr. Leo Nichols was re-appointed as Class IV member, Mr. Donald Underhill was re-appointed as a Class II member and Ms. Suzanne McCluskey was appointed as a Class III member, representative from the Governing Body.

NOMINATIONS OF OFFICERS

Mayor Druetzler stated the next order of business is the nomination of Board Officers to serve to 2013.

NOMINATIONS FOR BOARD CHAIRMAN

Mr. Nichols nominated Mr. Ralph Lopez for Chairman of the Planning Board for the year 2013, seconded by Mrs. Leach.

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. Lopez as Chairman.

Roll Call

Yeas: Mr. Jensen, Mrs. Leach, Ms. McCluskey, Mr. Nichols,
Mr. Sawoski, Mr. Underhill, Mayor Druetzler

Abstain: Mr. Lopez

Absent: Mr. Novak

Nays: None

Motion carried.

NOMINATIONS FOR BOARD VICE CHAIR

Mr. Lopez nominated Mrs. Sydney Leach for Vice Chair of the Planning Board for the year 2013, seconded by Mr. Nichols.

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 Sydney Leach as Vice Chair.

Roll Call

Yeas: Mr. Jensen, Mrs. Leach, Ms. McCluskey, Mr. Nichols,
Mr. Sawoski, Mr. Underhill, Mayor Druetzler

Abstain: Mr. Lopez

Absent: Mr. Novak

Nays: None

Motion carried.

Mayor Druetzler congratulated Mr. Lopez and Mrs. Leach on re-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.

Mr. Lopez thanked the Board for their confidence in his chairmanship, stating he looks forward to a very productive year.

Mr. Lopez stated the next order of business is to adopt the Resolution to approve meeting dates for 2013, Planning Board Resolution #13-01 - **“Notice of Meeting Dates”**. Mr. Lopez read the following Resolution:

**PLANNING BOARD RESOLUTION NO. 13-01
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 PURPOSED 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 requires 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 2013 shall be: February 11th, March 18th, April 15th, May 13th, June 17th, July 15th, August 19th, September 16th, October 21st, November 18th, December 9th and January 20th, 2014 at 7:30 PM.
5. All meetings of the Planning Board shall be open to the public.

Ms. McCluskey moved that Planning Board Resolution 13-01 be approved as read, seconded by Mr. Nichols.

Roll Call

Yeas: Mr. Jensen, Mrs. Leach, Mr. Lopez, Ms. McCluskey,
Mr. Nichols, Mr. Sawoski, Mr. Underhill, Mayor Druetzler

Absent: Mr. Novak

Nays: None

Motion carried.

Mr. Lopez stated the next order of business is to adopt of a Resolution for Professional Services for the year 2013, Planning Board Resolution #13-02 "**Professional Services**". Mr. Lopez read the following Resolution:

**PLANNING BOARD RESOLUTION NO. 13-02
PLANNING BOARD PROFESSIONAL SERVICES**

WHEREAS, the Planning Board of the Borough of Morris Plains desires to retain the services of the planning consultant, an engineer and an attorney to perform professional services as required for the year 2013; 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 2013:
 - a) Planning Consultant – William C. Denzler of William Denzler and Associates.
 - b) Engineer – Leon C. Hall of Anderson and Denzler Associates, Inc.
 - c) Board Attorney – Christopher H. Falcon, Esq. of Maraziti, Falcon and Healy.
2. The Business Disclosure Entity certification and the Determination of Value be place 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.

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Mrs. Leach moved that Planning Board Resolution 13-02 be approved as read, seconded by Mr. Nichols.

Roll Call

Yeas: Mr. Jensen, Mrs. Leach, Mr. Lopez, Ms. McCluskey, Mr. Nichols, Mr. Sawoski, Mr. Underhill, Mayor Druetzler

Absent: Mr. Novak

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 2013, Planning Board Resolution **#13-03 “Minor Site Plan Committee”**. Mr. Lopez read the following Resolution:

**PLANNING BOARD RESOLUTION NO. 13-03
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 21st day of January 2013:

1. The following individuals are hereby appointed to the Minor Site Plan Committee from the date hereof until December 31, 2013:
 - a) Vince Novak, Chairman

- b) Andre Jensen
- c) Donald Underhill

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

Mr. Jensen moved that Planning Board Resolution 13-03 be approved as read, seconded by Mr. Underhill..

Roll Call

Yeas: Mr. Jensen, Mrs. Leach, Mr. Lopez, Ms. McCluskey,
Mr. Nichols, Mr. Sawoski, Mr. Underhill, Mayor Druetzler

Absent: Mr. Novak

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 2013, Planning Board Resolution **#13-04 “Master Plan Review Committee”**. Mr. Lopez read the following Resolution:

**PLANNING BOARD RESOLUTION NO. 13-04
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 21st day of January 2013:

1. The following individuals are hereby appointed to the Master Plan Review Committee from the date hereof until December 31, 2013:
 - a. Hank Sawoski, Chairman
 - b. Suzanne McCluskey
 - c. Sidney Leach
 - d. Leo Nichols

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

Mr. Nichols moved that Planning Board Resolution 13-04 be approved as read, seconded by Mr. Underhill.

Roll Call

Yeas: Mr. Jensen, Mrs. Leach, Mr. Lopez, Ms. McCluskey,
Mr. Nichols, Mr. Sawoski, Mr. Underhill, Mayor Druetzler

Absent: Mr. Novak

Nays: None

Motion carried.

APPROVAL OF MINUTES

Mr. Lopez stated the next agenda item is approval of the meeting minutes of the Regular Meeting on December 12, 2012.

The Board secretary stated there are three (3) typographical errors on page 260, paragraph two (2) change “**fi**” to “**five**”, paragraph three (3) change “**R7D**” to “**R&D**” and paragraph five (5) change “**are**” to “**area**”.

Mr. Nichols moved that the meeting minutes be approved as revised; seconded by Mr. Underhill.

Roll Call

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

Motion carried.

CORRESPONDENCE AND BILLS

Mr. Nichols read the vouchers for payment.

Maraziti, Falcon & Healey	PO#90007	\$ 920.14
For Professional Services rendered to the Planning Board, November, 2012		
William Denzler & Associates	PO#90022	\$1,265.00
For Professional Services rendered to the Planning Board, December, 2012		
Anderson & Denzler Associates, Inc.	PO#90017	\$ 36.20
For Professional Services rendered to the Planning Board, December 2012		
Class A Dues for Planning Board	PO#90033	\$ 180.00
Mandatory Training Course #3,	PO#90036	\$ 98.00
January 28, 2013, Suzanne McCluskey, Planning Board Member		

Mr. Nichols moved that the vouchers as read be approved, seconded by Mr. Underhill.

Roll Call

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

Motion carried.

Mayor Druetzler explained to Mr. Draghi that most of the Board members have been on the Board for some time, but since Ms. McCluskey is new to the Board, she must attend the Mandatory Training Course.

Mr. Lopez invited Mr. Draghi to return to a meeting where there is application to be heard before the Board.

COMMITTEE REPORTS

Minor Site Plan Committee

No report presented.

Master Plan Review Committee

No report presented.

OLD BUSINESS

Escrow Report

The Board Secretary reported that all matters look good at this time. M & M Realty is being sent a letter by the Finance Department requesting additional escrow funds to cover related to their concept plan.

NEW BUSINESS

Mr. Lopez stated the next item of business is a review of Ordinance 1-2013.

Mayor Druetzler stated that this concerns Route 53 and the desire for a slight adjustment on several matters, including floor area ratio (from 34% to 40%) and parking. He provided historical information about this specific site. He also commented on wanting to have CAD copies that can be transmitted electronically.

Messrs. Hall and Denzler provided additional commentary regarding this matter.

One or more members of the Board asked questions of the Professionals, and Mayor Druetzler provided additional comments.

Mr. Lopez read the Resolution for the referral of certain matters to the Planning Board, indicating that the Borough Council has adopted ordinance 1-2013 on the first reading.

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

Roll Call

Yeas: Mr. Jensen, Mrs. Leach, Mr. Lopez, Ms. McCluskey,
Mr. Nichols, Mr. Sawoski, Mr. Underhill, Mayor Druetzler

Absent: Mr. Novak

Nays: None

Motion carried.

Ms. McCluskey was welcomed to the Board and Mr. Falcon was welcomed back from his back operation recovery timeframe.

Mayor Druetzler asked Mr. Draghi if he had any questions and wished him well with his pursuit of his Life Skills scouting badge. If he needs any assistance, he should contact him or the Board Secretary.

There being no further business, Mrs. Leach moved the meeting be adjourned, seconded by Mr. Nichols. Voice vote. All in favor. Motion carried.

Karen M. Coffey
Commission Secretary

Maureen Sullivan
Recording Secretary