

Minutes of the Regular Meeting of the Morris Plains Planning Board held on February 11, 2013 at 7:30 p.m. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Present: Mrs. Sydney Leach, Vice Chair
Mr. Ralph Lopez, Chairman
Mrs. Suzanne McCluskey
Mr. Leo Nichols
Mr. Vincent Novak
Mr. Hank Sawoski
Mr. Donald Underhill
Mayor Frank J. Druetzler
Leon Hall, Borough Engineer
William Denzler, Borough Planner
Andrew Brewer, representing the Board Attorney

Absent: Mr. Andre Jensen

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. No comments were forthcoming, and this portion of the meeting was closed to the public.

APPROVAL OF MINUTES

Mr. Lopez stated the next agenda item is approval of the meeting minutes of the Regular Meeting on January 21, 2013..

The Board secretary stated on page 270, paragraph one (1) changeindicating that the "**Planning Board**" to indicating that the "**Borough Council**".

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

Roll Call

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

Nays: None

Abstain: Mr. Novak

Absent: Mr. Jensen

Motion carried.

Roll Call

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

Nays: None

Absent: Mr. Jensen

Motion carried.

A copy of this Resolution is attached and on file in the Board Secretary's office in the Planning Board's Resolution Book.

PB-1-13 McNeil, PPC, Inc. (J&J) – 201 Tabor Road

Block: 151 Lot: 2

Mr. Lopez stated this application is on tonight's agenda for a minor subdivision.

Mrs. Leach, Mr. Novak, Mr. Lopez recused themselves for this application PB-1-13 due to a conflict of interest. Mr. Nichols and Mayor Druetzler recused themselves since they live within 200' of the applicant's property.

The Board Attorney stated that Mrs. Mills and Mr. Schulz members of the Board of Adjustment will be joining the remaining Planning Board members to hear this application. He also asked for a motion that Mrs. McCluskey, Council Liaison become Chairwoman for this application.

Mr. Underhill moved that Mrs. McCluskey become chairwoman for the above application, seconded by Mr. Sawoski.

Roll Call

Yeas: Mrs. Mills, Mr. Sawoski, Mr. Schulz, Mr. Underhill

Nays: None

Abstain: Mrs. McCluskey

Absent: Mr. Jensen

Recused: Mrs. Leach, Mr. Lopez, Mr. Nichols, Mr. Novak, Mayor Druetzler

Motion carried.

Mrs. McCluskey asked Mr. Malman to identify his professionals and make their appearances for the record. The Board attorney swore in all the professionals.

The Board Attorney swore in the witnesses, Mr. Sweetwood and the Board Professionals, Mr. Leon Hall and Mr. William Denzler.

Mrs. McCluskey stated that this application is on agenda for both completeness and public hearing.

Mrs. McCluskey asked the Board Secretary to confirm the application is in order, all the escrows paid and the notices sent. The Board Secretary replied that the application is in order. Mrs. McCluskey referred to Mr. Hall's February 6, 2013

memorandum recommending that the application be deemed complete from an engineering perspective, and Mr. Denzler's February 7, 2013 memorandum, recommending that the application be deemed complete from a planning perspective.

Mrs. McCluskey requested a Motion to deem the application complete. Mr. Sawoski moved that the application be deemed complete, seconded by Mr. Underhill.

Roll Call

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

Motion carried.

Mr. Tom Malman, attorney for the applicant, introduced himself to the Board providing a brief background and regarding this request for a Minor Subdivision. He stated the property is located at 201 Tabor Road, block 151, lot 2, the applicant is seeking a subdivision, dividing the parcel into (2) lots, proposed lot 2.02 will be approximately 38.86 acres in size and proposed lot 2.01 will be approximately 66.61 acres in size. Each lot will maintain frontage and access to Tabor Road. There will be some reconfiguration of some site related utilities, no new construction is proposed. Mr. Malman stated that he has one (1) witness Mr. Sweetwood, PE, VP from T&M Associates, 11 Tindall Road, Middletown, NJ.

Mr. Malman asked Mr. Sweetwood if he could give us a brief description of the applicant's request.

Mr. Sweetwood introduced himself to the Board and Borough Professionals. He stated he is a licensed professional engineer. He provided information relating to his education and background. Mr. Sweetwood referred to an exhibit which was an enlargement of the site plan of the property to be subdivided. He pointed out all the buildings, interior roadways, and all the physical aspects of the property. The Exhibit was marked Exhibit -1.

Mr. Sweetwood stated the site consists of approximately 105.47 acres and the applicant/owner would like to subdivide the parcel into two (2) lots. Proposed **lot 2.01** will be approximately 66.61 acres in size and will consist of the following existing buildings:

- (1) Child Development Building - 16,550 sq. ft.
- (1) Research/Office - 2/3 stories - Bldg. 201 - 583,026 sq. ft.
- (1) Lab Building - 3 stories Bldg. 185 - 205,792 sq. ft.
- (1) Lobby/Link - Bldg. 185/Bldg. 201 - 7,972 sq. ft.
- (1) Parking Deck - 5 stories

Proposed **lot 2.02** will be approximately 38.86 acres in size and will consist of the following existing buildings:

- (1) Lab building 2/3 stories Bldg. 175 - 81,411 sq. ft.
- (1) Building – 4 Stories Bldg. 115 - 490,848 sq. ft.
- (1) Parking Deck – 5 stories

Both proposed lots will have access to Tabor Road. The location of the subdivision line was based on operational considerations, NJDOT access driveway constraints and alignment with existing sanitary sewer line force main easement. These are the reasons for the slight curve on the side yard. There will be no site changes; no change of use and no additional impervious coverage to the site, which includes buildings and parking areas. An exhibit was marked as Exhibit A-1 with today's date; and he stated that exhibit A-1 shows the subdivision and also a summary of analysis square footage of each building, FAR sq. footage and parking analysis. There is no change between the current breakdown and the proposed.

Mr. Malman asked Mr. Sweetwood if he would provide testimony on the anticipated common access easements and separation of the utility systems for the proposed subdivision.

Mr. Sweetwood showed the location and widths of all proposed right-of-ways and easements on exhibit A-1. He reviewed the easement for utility separation.

Domestic Water Service – An easement will be required to allow the Lot 2.01 owner to maintain piping under the Lot 2.02 access roadway.

Fire Water Service – An easement will be required to allow the Lot 2.01 owner to maintain the water supply underground piping on Lot 2.02.

Sanitary Sewer Service – An easement will be required to allow the Lot 2.01 owner access to its sanitary sewer facilities on Lot 2.02 for building 185 and building 201.

Natural Gas Utility Service – an easement will be required to allow the Lot 2.01 owner access to its Natural Gas underground line on Lot 2.02.

Electric Utility System – an easement(s) will be required to allow the lot 2.02 owner access to its Electric Service facilities (structures and lines) on lot 2.01 and to allow JCP&L any necessary access to all gear and equipment. He stated that if the Utility Company requires an alternate configuration from the Utility Separation Associated with this subdivision (Block 151/Lot 2- Morris Plains, NJ) plans, the easements(s) may need to be modified as necessary.

Telecommunication Ductbank – A cross easement will be required to allow the Lot 2.01 owner access to its Telecommunications facilities on lot 2.02, and allow owner to allow the lot 2.02 owner access to the central manhole and the associated ductbank between the central manhole and the subdivision line on lot 2.01.

Stormwater System – An easement will be required to give the lot 2.01 owner drainage rights and the right access to the stormwater facilities on lot 2.02.

Mr. Sweetwood stated that Freshwater Wetlands Delineation, soil relocation and tree removal is not required as part of minor subdivision approval.

Mr. Sweetwood stated that there will be no change in trips or traffic flow and a cross easement will be executed between property owners to provide full access for each through both sites.

Mr. Malman stated that he has no more further testimony.

Mrs. McCluskey asked the Board members if they had any questions. They did not. Mrs. McCluskey asked the Borough professionals if they had any comments or questions of Mr. Sweetwood. They did not.

Mrs. McCluskey opened this portion of the meeting to the public for questions.

Mrs. Sally Landi - 21 Valley Stream Circle - She has concerns about the berm behind her house and the possibility of future flooding similar to what happened during Hurricane Irene. She stated that the trees around her property are dying because of the very high water table, and some trees are already dead. She also asked what could be done to correct that situation..

Mr. Sweetwood stated that this application has nothing to do with the berm; and that there will be no change; whatever agreements made will continue. He further stated that this application was to address only the subdivision, that there was no soil disturbance, no landscaping, no building or any other change which would require those issues to be addressed.

Mr. Leon Hall responded that the Mayor, representatives of J&J and he discussed cutting off the water flow through the woods just north of the infiltration basin and the DEP informed them that was impossible. Mr. Hall further described the cause of the flooding was upstream from Morris Plains and that some flooding issues would be revisited at the time of the development of the property on the west side of Route 53. He also stated that this application was only to divide the property into to separate parcels.

Mr. Joseph Barlotta, 16 Thompson Way remarked that the trees and landscaping on the J & J property had not been maintained, many trees have died and have not been removed, and nothing has been corrected from the damage caused by Hurricane Sandy. He asked when the damage will be corrected.

Mr. Barlotta stated in the past if he had any questions he had a contact person for Warner Lambert and Pfizer. He asked who he could contact.

Mr. Hall stated that if he has any concerns, please contact him.

Mrs. Gabrielle Hearn - 10 Thompson Way - Mrs. Gabrielle Hearn stated that

there are dead trees in the back of her property.

Mrs. McCluskey requested Mr. Malman to bring these concerns to his client's attention and have the client address this issue. Mr. Malman agreed that he would ask his client to investigate these issues.

Mrs. Sally Landi, 21 Valley Stream Circle again spoke about the high water table around her property and again requested that the issue of the dying trees be addressed.

Mrs. McCluskey asked if there are any further questions, hearing none she closed this portion of the meeting.

Mrs. McCluskey asked the Board and Professionals for comments.

Mr. Hall stated the list of proposed easements for Utility Separation associated with the subdivision has not been determined exactly how the utilities will be separated but the applicant is aware of the need for these utility easements. The preparation and approval of the utility easements should be appropriately made conditions of approval. He also stated that the applicant should submit subdivision deeds, utility easements deeds, deed of stormwater management and access easement be reviewed and approved by Planning Board Engineer, Planning Board Attorney and Borough Attorney prior to filing.

Mr. Malman stated that the applicant has no problem with the above requests.

Mr. Denzler and the Board had no comments.

Mrs. McCluskey asked for a motion to approve the application with the recommendations of the Borough Professionals, including the conditions recommended for approval at the February 11, 2013.

Mr. Sawoski moved to approve the application and authorize the preparation of a resolution to be memorialized at the March 18, 2013 meeting. The Motion was seconded by Mr. Underhill.

Roll Call

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

Motion carried.

Mr. Malman thanked the Board for its time and consideration.

Mrs. McCluskey stated there being no further business, a motion to adjourn would be in order.

Mr. Schulz moved the meeting be adjourned, seconded by Mr. Underhill. Voice vote. All in favor. Motion carried.

Karen M. Coffey
Commission Secretary