

Minutes of the Regular Meeting of the Morris Plains Planning Board held on March 16, 2013 at 7:30 P.M. in the Council Chambers, 531 Speedwell Avenue. The following members were present:

Present: Mr. Andre Jensen
Mr. Ralph Lopez, Chair
Ms. Suzanne McCluskey
Mr. Leo Nichols
Mr. Vincent Novak
Mr. Hank Sawoski
Mr. Donald Underhill
Mayor Frank Druetzler
Leon Hall, Borough Engineer
William Denzler, Borough Planner
Christopher Falcon, Board Attorney

Absent: Mrs. Sydney Leach, Vice Chair

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. Hearing none, 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 February 11, 2013. The Board Secretary stated on page 276 second paragraph change the word "sides" to "sites".

Mr. Underhill moved that the minutes be approved as amended, seconded by Mr. Sawoski.

Roll Call

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

Motion carried.

CORRESPONDENCE AND BILLS

Mr. Nichols read the vouchers for payment.

Maraziti, Falcon & Healey

PO#90053

\$875.00

For Professional Services rendered to the Planning Board, January, 2013

Mr. Nichols moved that the vouchers be approved for payment, seconded by Mr. Underhill.

Roll Call

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

Absent: Mrs. Leach

Nays: None

Motion carried.

PB-1-13 McNeil-PPC, Inc. (J&J) – 201 Tabor Road - Block: 151 Lot: 2

Mr. Lopez stated that this application is on tonight's agenda for memorialization of the Resolution.

Mr. Falcon read the Resolution before the Board for approval. Mr. Falcon then requested that a motion be made by a Board member who did not recuse him or herself.

Mr. Sawoski moved that this Resolution for memorialization be approved, seconded by Mr. Underhill.

Roll Call

Yeas: Mrs. McCluskey, Mr. Sawoski, Mr. Underhill

Recused: Mr. Jensen, Mr. Lopez, Mr. Nichols, Mr. Novak, Mayor Druetzler

Absent: Mrs. Leach

Nays: None

Motion carried.

PB-2-13 Quick Chek- 6 Stiles Ave.93 W. Hanover Ave. - Block:34 Lots: 12 & 13

Mr. Lopez stated that this application is on tonight's agenda for completeness only.

Mr. Hall referred to his March 8, 2013 report and recommends that the application be deemed incomplete.

Referring to his March 12, 2013 memorandum, Mr. Denzler stated he too, recommends this application be deemed incomplete.

Mayor Druetzler moved that this application be deemed incomplete, seconded by Mr. Nichols.

Roll Call

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

Absent: Mrs. Leach

Nays: None

Motion carried.

COMMITTEE REPORTS

Minor Site Plan Committee

No report presented.

Master Plan Review Committee

No report presented.

NEW BUSINESS

Ordinance 3-2013

Mr. Lopez read a Resolution relating to the Municipal Land Use Law in connection with the referral of certain matters to the Planning Board on First Reading.

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

Roll Call

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

Absent: Mrs. Leach

Nays: None

Motion carried.

OLD BUSINESS

Escrow Report

The Board Secretary presented the Escrow Report.

The Board discussed one or more additional subject matters, including the topic of M & M, prompting Mr. Lopez to state "What a shame." He added this is pending a decision by the Supreme Court and they will not be able to go forward until a decision is made.

Mayor Druetzler and Mr. Falcon provided commentaries on the court case matter.

Cross discussion on the court case matter.

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

Karen M. Coffey
Commission Secretary

Maureen Sullivan
Recording Secretary