

Minutes of the Regular Schedule Meeting of the Morris Plains Planning Board held on April 15, 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, Chair  
Mrs. 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  
Andrew Brewer, representing Bd. Attorney, C. Falcon

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. 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 March 16, 2013.

Mr. Nichols moved that the minutes be approved, seconded by Mr. Underhill.

Roll Call

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

Abstain: Mrs. Leach

Absent: Mr. Jensen

Nays: None

**Motion carried.**

#### **CORRESPONDENCE AND BILLS**

Mr. Nichols read the vouchers for payment.

**Anderson & Denzler Associates, Inc.**                    **P. O. #90072 \$ 36.92**  
For Professional Services rendered to the Planning Board, February 2013  
**Maraziti, Falcon & Healey**                                    **P. O. #90080 \$875.00**  
For Professional Services rendered to the Planning Board, February 2013  
**Anderson & Denzler Associates, Inc.**                    **P. O. #90088 \$ 36.92**  
For Professional Services rendered to the Planning Board, March 2013

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

Roll Call

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

Absent:     Mr. Jensen

Nays:       None

**Motion carried.**

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

Mr. Lopez stated this item is tonight's agenda for completeness.

Mr. Dean Donatelli, Esq. introduced himself to the Board stating he is the attorney representing the Applicant at this meeting. He advised the application is for preliminary and final site plan approval w/variances. He stated that Mr. Keith Cahill, the Applicant's project engineer, is present at tonight's meeting.

Mr. Lopez requested input from Mr. Hall regarding his April 10, 2013 letter.

Mr. Hall advised the Applicant has requested ten checklist waivers that he reviewed one by one, indicating his concurrence with most of the waiver requests and included his reasons for doing so. He recommends granting for completeness only as there will be additional discussion during the public hearing.

Mr. Denzler referred to their April 11, 2013 memorandum. After their review of the application and plans, they recommend the application be deemed complete, noting the same items as reviewed by Mr. Hall.

Mayor Druetzler moved that this application be deemed complete w/waivers accepted as recommended by the Professionals, and the public hearing be scheduled for the Board's May 2013 meeting, seconded by Mrs. Leach.

Roll Call

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

Absent:     Mr. Jensen

Nays:       None

**Motion carried.**

**COMMITTEE REPORTS**

### **Minor Site Plan Committee**

Mr. Novak stated that there is a possibility of two (2) new stores opening in the Vornado Shopping Center.

### **Master Plan Review Committee**

No report was presented.

### **NEW BUSINESS**

None.

### **OLD BUSINESS**

#### **Escrow Report**

The Board Secretary presented the Escrow Report, stating that everything is in order.

#### **PB-3-13 Honeywell International Inc., 201 Tabor Rd.- Block: 151 Lot: 2**

Mr. Lopez stated this application is on tonight's agenda for a Preliminary and Final site plan approval.

Mrs. Leach, Mr. Novak, Mr. Lopez recused themselves for this application PB-3-13 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 witness, 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.

The Board Secretary advised that everything is in order for this application.

Mrs. McCluskey advised that both Borough Professionals recommend that this application be deemed complete.

Mr. Hall stated he is satisfied from an engineering perspective and concurs with granting of several checklist waivers requested by the Applicant. He deemed the application complete.

Mr. Denzler stated he concurs with the Borough Engineer's review and also deems this application complete.

Mr. Sawoski moved to deem this application complete, seconded by Mr. Underhill.

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.**

Mr. Malman provided an overview of this application, stating that the proposed improvements are relatively minor and that the entire site is at issue tonight. The Applicant will be demolishing Building 175. Honeywell will occupy Building 115 and the Building 115 parking garage. Mr. Malman stated he has three exhibits; they are already marked as Exhibits A-1, A-2, and A-3.

Mr. Sweetwood began his presentation by thanking the Board for its time this evening to review the application. He commented there is a small R-1 residential zone nearby and mentioned the Child Development center, Building 201 w/parking lot, Building 185 w/parking garage, Building 175 w/parking lot and Building 115 w/parking garage. He also made reference to the various utilities on site. The Applicant is not seeking any variances, there are no changes, and there will be an overall reduction in the floor area ratio (FAR). Parking on the site will be reduced by elimination of a parking lot that supported Building 175 and removing a certain number of parking spots; there will be ample parking.

After reviewing Exhibit A-1 (the entire site), Mr. Sweetwood then reviewed Exhibit A-2. The electric utility will be modified to separate the electric supply from the Johnson & Johnson side of the site. A fire pump will be installed in the existing pump building to provide fire water to this side of the campus after modifications are made.

Mr. Malman asked Mr. Sweetwood about comments from Mr. Denzler and/or Mr. Hall about possible fire pump noise issues.

Mr. Sweetwood advised it will be a diesel-fired fire pump. He provided specific details about why this model was selected and about why a natural gas model could not be used. As to sound levels, he provided information regarding previously conducted acoustical studies. The building has now been re-analyzed as to adverse noise effect with the inclusion of the fire pump. The studies performed show the noise levels will be under the 65 decibel daytime levels. Periodic tests will be done on the fire pump to ensure the noise levels stay constant and that it is working properly. He anticipates the tests would be done either annually or bi-annually. Mr. Sweetwood commented on the purposes of certain curbing, a speed table, and a weir. All relate to matters of containment in the case of any spill.

Next, Mr. Sweetwood reviewed Exhibit A-3, the southern side of the campus. What is depicted on this exhibit includes Building 175 (the green hatched area), the building to be demolished together with the adjacent parking lot (the reclaimed land will be re-graded to a grassy area). Other matters discussed included that minor curbing work will be done to maintain the curb work and the drainage situation; domestic water feed/service issues; a common natural gas service that serves the entire campus with one meter (they are working with PSE&G on this to install two meters – one to serve Building 115 and the other to serve Building 185); and modification to the sanitary sewer connection since Buildings 115 and 185 now have a common discharge.

Continuing, Mr. Sweetwood advised they will be removing a large amount of impervious surface area and flood storage volume from the flooding area which will provide more opportunity to store flood waters and less opportunity for it to come off the site. He also provided updated information in connection with trees their arborist had observed. Several were recommended to be removed. He also reviewed that he believes all the checklist comments raised by either Mr. Hall or Mr. Denzler have indeed been addressed through his testimony or through direct discussion with one or both of them.

Mr. Hall asked about B-3 on page 2 of his report. He stated that during a site visit today, he noticed one dead Evergreen and one missing STOP sign in the extreme northeast corner on Lot 2.02.

The Applicant will address these two matters.

Mr. Hall also discussed steep slopes and existing asphalt. He believes all asphalt should be removed from the site. He also asked about overall firefighting capabilities and that there will be no impact to other facilities. He also asked about the fenced-in area around the electrical meters and a fire utility building and whether a fire truck can access it. He asked about a fire line running northerly past the basketball court.

The Applicant agrees that all asphalt will be removed from the site. Firefighting capabilities will not be impacted and a fire truck can access the utility building. The fire line is pre-existing. A legend will be put on the building plans.

Mr. Denzler stated any question(s) he may have had has been answered.

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

Ms. Sally Landi, 21 Valley Stream Circle, Morris Plains, asked for feedback on her concerns relating to this application. Mrs. Landi stated that the berm behind her property has trees standing in water and are leaning towards her property; and asked are they going to correct this.

Cross discussion about berms, a swamp/wetland on private property, water in infiltration basins, standing water issues, tree issues, the Applicant's arborist's site visit, and the condition of a berm.

Ms. Valerie Marr, 18 Valley Stream Circle, Morris Plains, provided additional information to the concern raised by Ms. Landi, particularly relating to berms and trees.

Mr. Joseph Nastro. 17 Valley Stream Circle, Morris Plains, asked about the stated increase of flood storage on the property. He asked how this would be accomplished – artificially or in the ground.

Mr. Sweetwood responded that it would be the result of both – removing impervious area and the demolition of the building. He stated the result would be better for the nearby residents than it is today. He provided additional information on the proposed improvements.

Mrs. McCluskey asked if there were any additional questions or comments.

Ms. Valerie Marr, 18 Valley Street Circle, Morris Plains, asked about the possibility of building a breach. She asked another question about another possible solution.

Mr. Hall replied this breach cannot be built; it will not be permitted by the New Jersey Department of Environmental Protection (NJDEP). It is the floodplain of the Watnong Brook and that is where the floodplain goes. The Mayor and he have had several meetings with NJDEP on this matter along with Johnson & Johnson and NJDEP will not permit it. He commented on a former detention basin; the proposed infiltration basin serves the exact same purpose and function. There will be less water flowing on the site.

Cross discussion about the flow and run of water on the site and the potential viability of installing an underground detention basin.

Hearing no further questions or comments, Mrs. McCluskey closed this portion of the meeting to the public.

Mr. Malman presented a summation of the application before the Board.

Messrs. Denzler and Hall stated they are satisfied with the testimony provided and the Applicant has agreed to meet the various requirements and agreements reached during the public hearing.

Mr. Underhill moved that the application be approved and that the Board direct the Board Attorney to prepare a resolution, seconded by Mr. Sawoski.

Roll Call

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

Nays: None

**Motion carried.**

Mr. Malman thanked the Board

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

Karen M. Coffey  
Commission Secretary

Maureen Sullivan  
Recording Secretary