

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
JULY 18, 2016**

Call to Order

The regular meeting of the Township of Morris Planning Board was called to order on Monday evening July 18, 2016, at 7:30 P.M. in the Municipal Building, 50 Woodland Avenue, Morris, Township of Morris, N.J.

The Pledge of Allegiance was led by Mr. Rick Haan, Chairman

Statement of Adequate Notice: The Board Chairman issued the following statement:

"I hereby announce and state that adequate notice of this meeting was provided by the Secretary of this Planning Board by preparing a notice dated July 13, 2016, specifying the time, date and place of this meeting, posting such notice on the bulletin board in the Municipal Building; filing said notice with the Clerk of the Township of Morris; forwarding the notice to the Morris County Daily Record and the Morris News Bee, and forwarding, by mail, the said notice to all persons on the request list, and I hereby hand a copy of such notice to the Secretary of the Planning Board for inclusion in the minutes of this meeting, all of the above actions being in accordance with N.J.S.A. 10:4-6, et seq., Open Public Meetings Act."

Roll Call of Planning Board Members and Professionals

Members Present

Mr. Rick A. Haan
Mr. Jeremiah Loughman
Mr. Jesse Kaar
Ms. Louise Johnson
Ms. Linda Murphy
Mr. Anthony Romano
Mr. Franz Vintschger
Mr. Peter Mancuso
Mr. Andres Benvenuto, Alt. #1
Mr. Todd Goldberg, Alt. #2 - 7:33 pm

Members Absent

Mr. Laurence D. Bobbin

Professionals Present

Mr. Steven Warner, Board Attorney
Ms. Susan Gruel, Planning Board Planner
Mr. James Slate, Planning Board Engineer
Ms. Sonia Santiago, Board Secretary

Resolutions

Consideration of the following resolution thereby memorializing the action taken by the Board at the June 20, 2016 meeting.

PB-05-16, H'Y2 Mt. Kemble, LLC

Site Plan Waiver / Variances

Block 6101, Lot 1, 412 Mt. Kemble Avenue, OL-40 zone.

Applicant is proposing to install a total of twelve wall signs on the office building and seven freestanding signs within various locations on the site for wayfinding purposes. Applicant also seeks variance relief for the freestanding signs where the ordinance provides for a single freestanding sign

of 100 sf and 302.2 sf is provided in total, and a sign setback on Mt. Kemble Avenue of 26 feet where 40 is required.

Mr. Mancuso moved, seconded by Ms. Johnson, and roll call as indicated that resolution of approval, attached hereto and by reference made part of the official minutes of this meeting, be adopted as circulated, memorializing the action taken by the Planning Board at the June 20, 2016 meeting.

Roll Call (voting members):

Mr. Benvenuto	YES
Mr. Loughman	YES
Ms. Johnson	YES
Ms. Murphy	YES
Mr. Romano	YES
Mr. Mancuso	YES
Mr. Haan	YES

Pubic Hearing

PB-03-16, New York SMSA Limited Partnership d/b/a Verizon Wireless Conditional Use
Block 6101, Lot 4, 350 Mt. Kemble Avenue, OL-40 zone.

Applicant proposes to install two wireless telecommunications panel antennas on the roof of an existing office building where wireless telecommunications are permitted as a conditional uses.

Chairman Haan announced that the applicant's attorney had requested an adjournment from tonight's meeting and has requested to be carried to the September 19, 2016 Board meeting without further notice. Applicant has also granted the Board an extension of time until September 19, 2016, or if for some reason the meeting is not to be held or there is a quorum problem, then the extension is granted until the next regularly scheduled Board meeting.

Ms. Murphy moved seconded by Mr. Vintschger and the Board unanimously voted that the application of Verizon Wireless be carried without further notice to the September 19, 2016 Board meeting.

Investigation and Designation of Non-Condemnation Redevelopment Area, Block 5506, Lot 25 and Block 5605, Lots 5, 6, 7 & 8, Mt. Kemble Avenue, RA-15 zone.

The following exhibits were submitted during testimony

- A-1 Aerial photograph
- A-2 Historic preservation map dated 9-28-05

Mr. Warner informed the Board that by resolution the Township Committee authorized and directed the Planning Board to conduct a preliminary investigation with respect to what is being considered a "planning area" on lot 25 block 5506, which is 95 Mt. Kemble Avenue

and lots 5, 6, 7 & 8 of block 5605 which is 106, 102, 108 & 98 Mt. Kemble Avenue to determine whether all or part thereof meets the criteria for a Non-Condensation Redevelopment Area under the Redevelopment Law. We authorized Ms. Gruel's firm to put together a preliminary investigating report which will be the topic of this public hearing. The Redevelopment Law required that we notice by publishing in the Daily record on June 30, 2016 and July 7, 2016 as well as serving by certified mail all owners of the subject properties within the study area. That was completed on June 29, 2016 and we have the affidavit of publication and affidavit of service.

This evening will be an opportunity by way of public hearing for members of the general public to post questions, raise objections and comments with respect to the redevelopment study. Anyone who is testifying will be sworn in. And alternately, for the Board would be to make a determination with respect to the recommendations to the governing body regarding the redevelopment study.

Ms. Gruel, Township Planner & Mr. Slate were sworn in by Board attorney

Ms. Gruel stated that she was authorized to prepare a study under the redevelopment statute. The first step is to determine whether the study area meets certain statutory criteria to be designated an area in need of redevelopment. She also noted that the resolution also states redevelopment or rehabilitation. You will note on the report which has been filed and has been open for public to inspect that there are several parcels that we recommend that do not meet the criteria for redevelopment area but do meet the criteria to be considered for rehabilitation area. If you recall the primary difference since there is no condemnation options that the resolution permits at this stage; the primary difference between rehabilitation and redevelopment is tax abatement short term versus long term, basically this is the only distinction other than the criteria to be designated.

As you know our study is dated May 2016. There are five parcels that were considered in the study. The primary parcel that was considered in the study is the portion of Atlantic Health Systems which is called the rehab center on Block 5506, lot 25. That portion of the rehabilitation center in Morris Township is mostly the utility annex building as well as a corner of the main building that is within the Township; several parking areas and driveway aisles which is within the Township and a significant area that is green and steeply sloped. As we noted we believe that the site qualifies as an area in need of redevelopment both under what is call the "d" and "e" criteria.

The "d" criteria states "areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community." We believe that the buildings and the improvements on the site in Morris Township are obsolete and there are faulty design arrangements. The utility annex was built between 1958 and 1960.

She also stated that in terms of coming to this conclusion they researched tax records, permits and any violations that there might have been. Mr. Slate along with Mr. Barree and myself did a tour of the building with one of the representatives of Atlantic Health and that's how we got the photos. In the utility annex, there is mechanical equipment which provides

utility service and infrastructure to the main hospital. The useful life of this area is in need of redevelopment. There is at least one boiler that is not in service and there are definite problems and it does not meet the standard for a health facility.

In addition to that the “e” criteria is “a growing lack or total lack of proper utilization of areas caused by the condition of title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements , resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.” And the condition as to why we believe the “e” criteria apply is because of the boundary line between Morristown and Morris Township. It does provide a unique condition that does create a stagnant and unproductive condition and based on that we note that in this report regarding the “e” criteria, it is also interesting that the zoning standards and the master plan for the Towns are a bit different, particularly for Morristown where their zoning is a hospital zone but their future community plan envision a residential corridor high density use for this property and for part of the facility in Morris Township it is in the RA-15 residential zone in which hospital is a permitted use and the future land use plan for the Township does not propose any alteration of the current plan at this time, so in terms of that particular parcel we believe the “e” and “d” criteria are relevant to this property and as a result it does meet the two criteria.

There were four other parcels that were part of the study area, lot 5, block 5605 was developed as a single family residence; it is vacant at this time there are signs of wear and tear and the property can benefit from some investment. Even though it does not meet the criteria to be designated as an area of need of redevelopment we believe that it does meet one of the criteria to be designated in the area of rehabilitation.

Parcels can be designated in the area of need of rehab if half of the housing stock is over 50 years old. This parcel was built in 1920, lot 6 block 5605 also owned by Atlantic Health built in 1887, also in need of rehabilitation. The next is Block 5605; lot 7 the Bargain Box was constructed in 1950 it was converted into a commercial use. It is owned by the Morristown Memorial Hospital, a division of Atlantic Health System. This area that we are considering is over 50 years old. A discussion was carried regarding historical significance.

Mr. Slate stated that they had reached out to Morristown and the initial thought was to proceed in the same direction at the same time and for whatever reason they choose not to advance their study and what they told us was we want you to do it and then we will do ours. There was discussion for both towns to do it at the same time because there are issues with services and boundary lines. We thought they were going to advance at the same time but we never got a clear answer.

He further stated that the County, approximately five years ago did an update of the Master Plan maps and he presented the Board Exhibit A-2 which is the original historic district map which shows the Washington Valley, Prudent Town and the Normandy Park historic districts in the Township.

Mr. Warner informed the Board that once Ms. Gruel's finished making her presentation the Board will have the opportunity to ask questions and then it will be open to the public for questions as well. Then the Board will decide if the Board will make a recommendation to the Township Committee for lot 25 to be designated as an area of redevelopment and lots 5; 6, 7, & 8 to be designated as an area for rehabilitation. The decision will be conveyed to the Governing Body by way of a resolution. A discussion was carried regarding the 5 year and 10 year tax abatement among the Board and the Professionals.

The purpose of redevelopment or rehab is to provide more leverage to come up with a more coordinated plan and you can almost provide design standards and get what you want as if you were in the historic district. This gives you the authority to do that, only in historic districts or redevelopment areas and a lot of the municipal constraints as to bidding or when you can do certain things. You can be more flexible with the redevelopment and rehab then what you would be under the normal municipal standards or regulations. You would have more flexibility to make the development happen. The next step would be if the area is designated, as an area of rehabilitation or redevelopment, a redevelopment plan would be prepared, it's kind of a hybrid of a master plan and ordinance, and it is done by ordinance. There are other statutory redevelopment plan standard procedures. A discussion was carried regarding the redevelopment and rehab procedures.

Ms. Gruel stated that the last parcel is lot 8 block 5605 which has a parking lot for the rehab facility and is assessed in Morristown which we recommended that it did not meet the criteria for an area of redevelopment but because it is in the larger area it can be considered for rehabilitation. A discussion was carried regarding the tax abatement, pilot program and the municipal boundary and the area as a whole as being a residential area.

Ms. Gruel stated that this Board can only do what it was asked to do but if the governing body wants to ask this Board to investigate other areas they certainly are able to under redevelopment or rehab or just under master planning.

The meeting was opened to the public for questions or comments of the witnesses; no one appeared to be heard.

Mr. Warner reminded the Board that the investigation study recommends lot 25 as an area in need of redevelopment and lots 5, 6, 7 & 8 as an area of rehabilitation of the statutory criteria analysis provided by the Planning Consultant Ms. Gruel. If the Board were to recommend to the governing body accordingly, if the Board prefers he had a resolution that could be adopted if the Board accepts the recommendations of the planning consultant and desires to adopt the resolution for the governing body. Mr. Warner proceeded to review the resolution with the Board.

Ms. Murphy made a motion to refer the investigation report recommendations to the Township Committee for consideration, seconded by Mr. Mancuso and roll call as indicated the resolution is adopted and the Board Secretary is directed to forward the resolution to the Township Committee.

Roll Call (voting members)

Mr. Benvenuto	YES
Mr. Loughman	YES
Mr. Kaar	YES
Ms. Johnson	YES
Ms. Murphy	YES

Mr. Romano YES
Mr. Vinstchger YES
Mr. Mancuso YES
Mr. Haan YES

Other Matters – None to be heard

Closed Session

On motion duly made, seconded and unanimously carried, the following resolution authorizing a closed session was adopted:

WHEREAS: N.J.S.A. 10:4-12, the Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Morris, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from the discussion of the hereinafter specified subject matters.

2. The general nature of the subject matters to be discussed is as follows:

___ Personnel ___ Real Property Litigation/Affordable Housing DJ Action ___ Req'd. Confidentiality
___ Contract ___ Pub. Safety ___ Public Funds ___ Penalties ___ Individual Privacy

3. It is anticipated that the above stated subject matters discussed in closed session may be disclosed to the public upon determination of the Board that the public interest will no longer be served by such confidentiality.

4. This Resolution shall take effect immediately.

Regular meeting called back to order at 8:53 pm

With no further business for consideration by the Township of Morris Planning Board, on motion duly made seconded and unanimously carried the meeting was adjourned at 8:53 P.M.

Respectfully submitted,

Sonia Santiago
Sonia Santiago, Secretary
Township of Morris Planning Board
Approved: August 15, 2016