

MINUTES OF SPECIAL MEETING OF
THE TOWNSHIP COMMITTEE HELD ON
WEDNESDAY, MAY 24, 2018
6:00 P.M. REGULAR MINUTES
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CALL TO ORDER

The May 24, 2018 Special Meeting was called to order by Mayor Peter V. Mancuso at 6:01 P.M., in the Municipal Building, 50 Woodland Avenue, Morris Township, New Jersey.

ATTENDANCE

Mayor Peter V. Mancuso
Deputy Mayor Matheu D. Nunn
Township Committee Member John Arvanites (arrived at 6:58 P.M.)
Township Committee Member Peter V. Mancuso
Township Committee Member Catherine Wilson

APPOINTED OFFICERS

Timothy F. Quinn, Township Administrator
John M. Mills, III, Township Attorney
Cathleen Amelio, Township Clerk

ALSO PRESENT

James Slate, Township Engineer
Paul Phillips, Township Planner

* * *

**PRESIDING OFFICER'S STATEMENT RE: ADEQUATE NOTICE – O.P.M.A. –
(RECORD INSERT)**

Mayor Mancuso issued the following statement of adequate notice:

“Adequate Notice” of this meeting of the Township Committee of the Township of Morris, was given as required and defined by the Open Public Meetings Act, as follows:

Written Notice was given on May 18, 2018 to the official newspapers, Daily Record, and to the additional newspaper, Star Ledger, by email at least 48 hours prior to the date of this meeting, and a copy of the Notice was posted on the Bulletin Board in the Municipal Building of the Township of Morris by the Township Clerk and a copy of the Notice was likewise filed in the Township Clerk's Office and copies of this Notice were mailed by certified mail to all persons who have requested individual notice, pursuant to N.J.S.A. 10:4-19, all of which Notices were given at least 48 hours prior to the date of this meeting, and I hereby hand to the Township Clerk, a copy of the Notice which was given as above set forth for appropriate retention in the Municipal Files”.

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SPEAKER'S TIME LIMITATION

Mayor Mancuso announced that in order to give interested parties a fair chance to be heard, each speaker could comment for an unassignable period of five (5) minutes before turning the microphone over to the next speaker, and that after each has had one turn, a person may be heard for an additional unassignable period of two (2) minutes.

MAYOR ANNOUNCEMENT: Mayor Mancuso stated the following: Tonight's meeting will continue the dialogue begun last week. I realize that the last meeting was contentious at times and long lasting.

Here are some rules we developed to tonight's meeting:

We will allow each person to comment and ask questions for five (5) minutes. We will hear everyone and when all are done those who have had their five (5) minutes will have two (2) additional minutes for further remarks.

We will listen to all your comments and respond to your questions.

I expect decorum from all present tonight and any person who is discourteous to an expert or anyone on the dais or any other person in the audience will get a warning and on any subsequent outbursts either overt or subtle, may be escorted from the room. Please do not over speak or shout down anyone and respect the rights and thoughts of those speaking as we will observe your rights and thoughts when you are speaking.

This vote tonight may arguably be one (1) of the most important votes we will ever take. It is a vote that will benefit and protect our 24,000 residents, if not directly, or indirectly.

This vote should be independent of any political bias because it is for the greater good of all our residents. This settlement provides for 400 low and moderate income homes in our Fair Share Housing agreement rather than the 1100 originally demand by the Fair Share Housing Corporation. If we are not in compliance by June 15, 2018 there will be proverbial Armageddon. We will then be subject to the ire of the Court, potential Builders Remedy law suits by developers who will seek and likely attain higher density housing developments which will dwarf those that may be constructed as a result of our settlement agreement. Most importantly, when we comply with the settlement we will be protected from "Builders Remedy" law suits until 2025.

In my opinion the Township has no viable option but to approve the settlement.

My service to the Township has always been to do what is in the best interest of all of our residents and I trust my peers will do likewise. This critical and crucial vote will determine control over future planning for all of Morris Township.

Mayor Mancuso read the following statement from the Liberty Green Association to the residents of Liberty Greens, dated May 23, 2018:

"Attention Liberty Greens Association Members:

After the Morris Township hearing on Wednesday, May 16, 2018, many homeowners requested the Association hire legal representation and fight the Township to block the passage of their proposed ordinance to change the zoning on the adjacent parcel of land (Saint Elizabeth College Campus) to our northeast along Punchbowl Road.

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MAYOR ANNOUNCEMENT (CONTINUED) Mayor Mancuso read the following statement from the Liberty Green Association to the residents of Liberty Greens, dated May 23, 2018 (continued): As you know, we met last night in the community room to update those interested in the Association's proposed response and actions on our behalf. We discussed the challenges of opposition with regard to the negative effect it would have on the Township's settlement with the fair housing lawsuit and the possibility of increased density should the Township not settle. We indicated that we were hoping to meet with the Township Administrator, Planner and Engineer to work out some friendlier buffers/setbacks on lands that have been green space since our community was established in the early 1980's.

We are happy to report that this afternoon we met with the Morris Township's Attorney, Administrator, Planner and Engineer, along with our attorney and three (3) Liberty Green residents (Donald Felker, Peter Broeman, and Sean Mooney). The Township professionals were receptive cooperative and gave us more than three (3) hours of their time to discuss modifications to the proposed zoning change so to achieve most of what we discussed last night. We walked out of the meeting with a handshake agreement and commitment by the Township Planner to revise certain portions of the Ordinance, which should lessen the impact of development under the newly proposed Ordinance as compared to the regulations originally introduced. We expect that not everyone will be happy, but we believe this was a positive accomplishment for all stakeholders.

We hope to review the revised ordinance in the morning to ensure it contains in writing what we agreed to in spirit. In any event, we still encourage you to attend the meeting to demonstrate to the Township Committee our spirit of unity and request that you balance the progress made in modifying the Ordinance with your disappointment that development will occur in our back yard."

* * * *

PLEDGE OF ALLEGIANCE

Mayor Peter V. Mancuso led the Pledge of Allegiance.

* * * *

ORDINANCES - PUBLIC HEARING AND FINAL CONSIDERATION

The Township Clerk advised that each Ordinance scheduled for public hearing at this meeting had been duly posted on the legal notice bulletin board in the Municipal Building, published in the Daily Record, as supported by proof of publication which had been received and placed on file, and further, that copies of the Ordinance had been provided to the members of the General Public on request.

Each Ordinance as hereinafter set forth in full was read a second time, a public hearing held hereon, with public comments and communications of record, if any, as hereinafter noted, finally adopted by the vote as herein recorded:

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ORDINANCE #15-18-AMENDING CHAPTER 95, ZONING OF THE CODE OF THE TOWNSHIP OF MORRIS RE: AMENDING CHAPTER 95, ARTICLE II, SECTION 5 ENTITLED "DESIGNATION OF ZONES," AND AMENDING CHAPTER 95, ARTICLE II, SECTION 6, ZONING MAP OF THE TOWNSHIP OF MORRIS TO INCLUDE SAID ZONES

Mr. James Slate, Township Engineer, and Mr. Paul Phillips, Township Planner gave an overview of the following Ordinance and modifications:

IT IS HEREBY ORDAINED by the Township Committee of the Township of Morris, Morris County, State of New Jersey, as follows:

Section 1: Chapter 95, Article II, Section 5, Designation of Zones, is hereby amended to add the following after TH-8 Townhouse Residential Zone:

- TH-7.5/AH Townhouse Residential Affordable Housing Zone
- TH-8/AH Townhouse Residential Affordable Housing Zone
- MF-10/AH Multi-Family Affordable Housing Overlay Zone
- MF-12/AH Multi-Family Affordable Housing Overlay Zone

Section 2: Chapter 95, Article II, Section 6, Zoning Map, is hereby amended to read in its entirety as follows:

The location and boundaries of said zones or districts are hereby established on the Zoning Map of the Township of Morris in Morris County, dated May 3rd, 2018, which is attached hereto and hereby made part of this ordinance. Said map and all notations, referenced and designations shown thereon shall be, as such, a part of this ordinance as if the same were all fully described and set further herein.

Section 3: Chapter 95, Article III, is hereby amended to add the following:

§ 95-20.1 TH-7.5/AH Townhouse Residential Affordable Housing Zone:

A. The following are permitted principal uses in the TH-7.5/AH Zone:

- (1)Market-rate townhouses.
- (2)Multi-family affordable dwellings, which shall be attached to market rate townhouses structures.

B. The following are permitted accessory uses in the TH-7.5/AH Zone:

- (1)Customary accessory uses to a permitted principal use.
- (2)Off-street parking areas.
- (3)Recreational, social and communal facilities for the exclusive use of residents and guests; the minimum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
- (4)Active and passive outdoor recreation facilities for the exclusive use of residents and guests; the minimum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
- (5)Roof or building-mounted solar energy systems as provided in § 95-34.4.

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ORDINANCES - PUBLIC HEARING AND FINAL CONSIDERATION (CONTINUED)

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- (6) Building-integrated solar energy systems as provided in § 95-34.4.
- (7) Geothermal energy systems as provided in § 95-34.4.
- C. The following are permitted conditional uses in the TH-7.5/AH Zone:
 - (1) None.
- D. Development and design requirements:
 - (1) Maximum density shall not be more than seven and one-half (7.5) units per gross acre. A minimum of twenty (20) percent of the total number of units shall be set aside for low- and moderate- income households.
 - (2) No building or structure shall be located less than 35 feet from the right-of-way of Mt. Kemble Avenue. No building or structure shall be located closer than 5 feet from an internal access drive.
 - (3) Side yard. There shall be a side yard of not less than 40 feet. No parking shall be permitted within a side yard.
 - (4) Rear yard. There shall be a rear yard of not less than 35 feet. No parking shall be permitted within a rear yard.
 - (5) The width of any individual townhouse unit shall not be less than 24 feet.
 - (6) There shall be no more than four (4) townhouse units in any structure that does not also include multi-family affordable units.
 - (7) There shall be no more than twelve (12) units in any structure containing a mix of market rate townhouse and multi-family affordable units.
 - (8) Market rate townhouses shall be no more than 3 stories and 45 feet in height. However, no more than sixty (60) percent of the townhouses shall be 3 stories and 45 feet in height. The balance of the market rates townhouses shall be no more than 2 stories and 35 feet in height. Structures containing multi-family affordable units may be constructed at 3 stories and 45 feet in height.
 - (9) No building or structure containing multi-family affordable units shall be located closer than 75 feet to the right-of-way of Mt. Kemble Avenue.
 - (10) No townhouse structure in excess of 2 stories and 35 feet shall be located closer than 75 feet to the right-of-way of Mt. Kemble Avenue.
 - (11) No more than two adjacent market rate townhouse units may be constructed without providing a front wall setback of not less than two (2) feet.

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- (12) No structure shall be closer than 25 feet to any other structure.
- (13) The exterior walls of residential structures shall be faced with brick, cultured or quarried stone, stucco, wood, cementitious siding or other suitable materials.
- (14) The construction of all dwelling units shall conform to current state regulations/codes.
- (15) Parking shall be provided in accordance with New Jersey State Residential Site Improvement Standards (RSIS).
- (16) Common open space shall be set aside for the use and benefit of residents of the development. At least 25% of the total area shall be set aside as open space. Common open space shall be subject to N.J.S.A. 40:55D-43.
- (17) The TH-7.5 AH Zone shall not be subject to the slope disturbance regulations set forth under § 57-160(E)(4), however within areas with slopes of 20% or greater, not more than 50% of such slopes may be disturbed.
- (18) Refuse areas shall be designated so as to minimize any detrimental effect on the character of the development or adjacent properties.
- (19) All utilities shall be underground and the development shall be served by public water and sewer.
- (20) Development shall maintain a minimum 20 foot landscaped buffer to any side lot line to provide an effective year round screen which shall consist of either existing vegetative or new plantings, or where appropriate, a combination of existing and new plantings.
- (21) An overall landscaping plan shall be provided for the development.
- (22) The provision of affordable housing shall be consistent with all applicable rules of the Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC), including with respect to phasing and bedroom distribution.

§ 95-20.2 TH-8/AH Townhouse Residential Affordable Housing Zone

- A. The following are permitted principal uses in the TH-8/AH Zone:
 - (1) Market-rate townhouses.
 - (2) Multi-family affordable rental buildings.
- B. The following are permitted accessory uses in the TH-8/AH Zone:
 - (1) Customary accessory uses to a permitted principal use.

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ORDINANCES - PUBLIC HEARING AND FINAL CONSIDERATION (CONTINUED)

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- (2) Off-street parking areas
 - (3) Recreational, social and communal facilities for the exclusive use of residents and guests, provided the minimum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures, except that common accessory buildings and facilities, including recreation, social and communal facilities, shall be located at least 300 feet from any TH-8 zone boundary line.
 - (4) Active and passive outdoor recreation facilities for the exclusive use of residents and guests, provided; the minimum setbacks from property lines and streets shall be the same as for principal uses buildings and structures, except that common accessory buildings and facilities, including recreational, social and communal facilities, shall be located at least 300 feet from any TH-8 zone boundary line.
 - (5) Roof or building-mounted solar energy systems as provided in § 95-34.4.
 - (6) Building-integrated solar energy systems as provided in § 95-34.4.
 - (7) Geothermal energy systems as provided in § 95-34.4.
- C. The following are permitted conditional uses in the TH-8/AH Zone:
- (1)None.
- D. Development and design requirements:
- (1)Maximum density shall not be more than eight (8) units per gross acre. A minimum of fifteen (15) percent of the total number of units shall be set aside as rental units for low- and moderate-income households. Notwithstanding the number of market rate townhouses to be developed, a total of no less than 33 multi-family units shall be set aside for low- and moderate-income households.
 - (2)The development may be subdivided into different sections to distinguish different ownership entities and/or to permit the phasing of construction provided that the overall development is in compliance with the standards contained herein.
 - (3)Requirements for market rate townhouses
 - (a) Design.
 - [1] No dwelling unit shall have a floor area of less than 800 square feet.
 - [2] Each dwelling unit shall have not fewer than two exposures.
 - [3] There shall be no more than eight dwelling units in any single group of dwelling units.

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- [4] No dwelling unit or group of dwelling units shall exceed 2 1/2 stories or 35 feet, whichever is the lesser.
- [5] The width of any individual dwelling unit shall not be less than 22 feet.
- [6] No more than two adjacent dwelling units may be constructed without providing a front wall setback of not less than four (4) feet.
- [7] Common accessory buildings and facilities, shall be designed to harmonize with the overall character of the development.

(b) Siting.

- [1] Dwellings, structures or accessory structures shall be set back a minimum of 20 feet from interior roads if no sidewalk is provided; where sidewalks are provided a minimum setback of 24 feet from interior roads shall be provided. Unenclosed entrance porches may protrude up to 4 feet into the setback.
- [2] Each group of dwelling units, structures or accessory structures and any interior roadways shall not be less than 50 feet from any tract boundary line.
- [3] No group of dwelling units within the tract shall be closer than 30 feet to any other group of dwelling units within the tract.

(c) Construction.

- [1] The exterior walls in each group of dwelling units shall be faced with brick, cultured or quarried stone, stucco, wood, cementitious siding or other materials suitable in terms of quality, durability and appearance and approved by the Planning Board.
- [2] The construction of all dwelling units shall conform to current state regulations/codes.

(d) Parking shall be provided in accordance with New Jersey State Residential Site Improvement Standards (RSIS).

(e) Refuse storage areas shall be located to minimize any detrimental effect on the character of the development or adjacent properties.

(4) Building requirements for multi-family affordable rental units

- (a) No building shall exceed 3 stories and 45 feet in height.
- (b) There shall be no more than eighteen (18) units in any multi-family building.
- (c) No building shall be located less than 75 feet from any tract boundary line.

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(d)The minimum distance between buildings shall be as follows:

[1] Windowless wall to windowless wall: 25 feet.

[2] Window wall to windowless wall: 35 feet.

[3] Window wall to window wall:

- a) Front to front: 75 feet.
- b) Rear to rear: 50 feet.
- c) End to end: 30 feet.

(a) No building shall be located less than 10 feet from a parking area except where garaged parking is provided within the building.

(b) Refuse areas shall be designated so as to minimize any detrimental effect on the character of the development of adjacent properties.

(g) No building shall be located less than 500 feet from a TH-8 zone boundary line.

(5) Common open space shall be set aside for the use and benefit of the residents in such development. At least 25% of the total area shall be set aside as open space, of which 5% shall be in formal recreation facilities. Common open space shall be subject to N.J.S.A. 40:55D-43.

(6) All utilities shall be underground and the development shall be served by public water and sewer.

(7) Development shall maintain a minimum 25 foot landscaped buffer to all exterior property lines to provide an effective year round screen which shall consist of either existing vegetative or new plantings, or where appropriate, a combination of existing vegetation and new plantings.

(8) An overall landscaping plan shall be provided for the development.

(9) The provision of affordable housing shall be consistent with all applicable rules of the Council of Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC), including with respect to phasing and bedroom distribution.

§ 95-20.3 MF-10/AH Multi-Family Affordable Housing Overlay Zone

A. The purpose of the MF-10/AH Overlay Zone is to provide an opportunity for construction of affordable housing as part of a multi-family inclusionary development. Such overlay zoning shall neither replace nor supersede the underlying zone classification, but shall instead provide an additional development option for those properties within the limits of the district.

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Nothing contained herein shall preclude development of any property within the overlay zone in accordance with its underlying zone classification.

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B. The following are permitted principal uses in the MF-10/AH Overlay Zone:

- (1)Townhouses.
- (2)Multi-family dwellings.

C. The following are permitted accessory uses in the MF-10/AH Overlay Zone:

- (1) Customary accessory uses to a permitted principal use.
- (2) Off-street parking areas.
- (3) Recreational, social and communal facilities for the exclusive use of residents and guests; the maximum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
- (4) Active and passive outdoor recreation facilities for the exclusive use of residents and guests; the minimum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
- (5) Roof or building-mounted solar energy systems as provided in § 95-34.4.
- (6) Building-integrated solar energy systems as provided in § 95-34.4.
- (7) Geothermal energy systems as provided in § 95.34.4.

D. The following are permitted conditional uses in the MF-10/AH Overlay Zone:

- (1)None.

E. Development and design requirements:

- (1)Maximum density shall not be more than ten (10) units per gross acre. A minimum of fifteen (15) percent of the total number of units shall be set aside for low- and moderate- income households.
- (2)Front yard. There shall be a front yard of not less than 50 feet.
- (3)Side yard. There shall be a side yard of not less than 40 feet.
- (4)Rear yard. There shall be a rear yard of not less than 35 feet.
- (5)The maximum building height shall be 3 stories and 45 feet.

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(6)The maximum building coverage shall be 30%.

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(7)The maximum impervious surface coverage shall be 60%.

(8)There shall be no more than eight (8) townhouse units in any single group of dwelling units.

(9)Any townhouse unit shall have not fewer than two exposures and no group of townhouse units shall be closer than 30 feet to any other group of townhouse units.

(10) No more than two adjacent townhouse units may be constructed without providing a front wall setback of not less than four (4) feet.

(11) There shall be no more than sixteen (16) units in any multi-family building.

(12) The minimum distance between multi-family buildings shall be as follows:

[1] Windowless wall to windowless wall: 25 feet.

[2] Window wall to windowless wall: 35 feet.

[3] Window wall to window wall:

a) Front to front: 75 feet.

b) Rear to rear: 50 feet.

c) End to end: 30 feet.

(13) No multi-family building shall be located less than 10 feet from a parking area.

(14) The exterior walls for residential structures shall be faced with brick, cultured or quarried stone, stucco, wood, cementitious siding or other suitable materials.

(15) The construction of all dwelling units shall conform to current state regulations/codes.

(16) Parking shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS).

(17) Refuse areas shall be designated so as to minimize any detrimental effect on the character of the development or adjacent properties.

(18) All utilities shall be underground and the development shall be served by public water and sewer.

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- (19) Development shall maintain a minimum 25 foot landscaped buffer to all exterior property lines which shall consist of either existing vegetation or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
- (20) An overall landscaping plan shall be provided for the development.

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- (21) The provision of affordable housing shall be consistent with all applicable rules of the Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC), including with respect to phasing and bedroom distribution.

§ 95-20.4 MF-12/AH Multi-Family Affordable Housing Overlay Zone

- A. The purpose of the MF-12/AH Overlay Zone is to provide an opportunity for construction of affordable housing as part of a multi-family inclusionary development. Such overlay zoning shall neither replace nor supersede the underlying zone classification, but shall instead provide an additional development option for those properties within the limits of the district. Nothing contained herein shall preclude development of any property within the overlay zone in accordance with its underlying zone classification.
- B. The following are permitted principal uses in the MF-12/AH Overlay Zone:
 - (1) Multi-family dwellings.
- C. The following are permitted accessory uses in the MF-12/AH Overlay Zone:
 - (1) Customary accessory uses to a permitted principal use.
 - (2) Off-street parking areas.
 - (3) Recreational, social and communal facilities for the exclusive use of residents and guests; the maximum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
 - (4) Active and passive outdoor recreation facilities for the exclusive use of residents and guests; the minimum setbacks from property lines and streets shall be the same as for principal uses, buildings and structures.
 - (5) Roof or building-mounted solar energy systems as provided in § 95-34.4.
 - (6) Building-integrated solar energy systems as provided in § 95-34.4.
 - (7) Geothermal energy systems as provided in § 95-34.4.
- D. The following are permitted conditional uses in the MF-12/AH Overlay Zone:

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(1)None.

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E. Development and design requirements:

- (1) Maximum density shall not be more than twelve (12) units per gross acre. A minimum of fifteen (15) percent of the total number of units shall be set aside for low- and moderate- income households. The maximum density may be increased to not more than fifteen (15) units per gross acre provided that a minimum of twenty (20) percent of the total number of units are set aside for low- and moderate- income households.
- (2) No building or structure shall be located less than 100 feet from the right-of-way of Martin Luther King Avenue. No building or structure shall be located closer than 75 feet from any other right-of-way or property line.
- (3) The minimum building height shall be 3 stories and 45 feet.
- (4) The maximum building coverage shall be 35%.
- (5) The maximum impervious surface coverage shall be 70%.
- (6) There shall be no more than twenty-four (24) units in any multi-family building.
- (7) The minimum distance between multi-family shall be as follows:
 - [1] Windowless wall to windowless wall: 25 feet.
 - [2] Window wall to windowless wall: 35 feet.
 - [3] Window wall to window wall:
 - a) Front to front: 75 feet.
 - b) Rear to rear: 50 feet.
 - c) End to end: 30 feet.
- (8) No multi-family building shall be located less than 10 feet from a parking area.
- (9) The exterior walls of residential structures shall be faced with brick, cultured or quarried stone, stucco, wood, cementitious siding or other suitable materials.
- (10) The construction of all dwelling units shall conform to current state regulations/codes.

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- (11) Parking shall be provided in accordance with New Jersey State Residential Site Improvement Standards (RSIS).
- (12) Refuse areas shall be designated so as to minimize any detrimental effect on the character of the development or adjacent properties.
- (13) All utilities shall be underground and the development shall be served by public water and sewer.

ORDINANCES - PUBLIC HEARING AND FINAL CONSIDERATION (CONTINUED)

ORDINANCE #15-18-AMENDING CHAPTER 95, ZONING OF THE CODE OF THE TOWNSHIP OF MORRIS RE: AMENDING CHAPTER 95, ARTICLE II, SECTION 5 ENTITLED "DESIGNATION OF ZONES," AND AMENDING CHAPTER 95, ARTICLE II, SECTION 6, ZONING MAP OF THE TOWNSHIP OF MORRIS TO INCLUDE SAID ZONES (CONTINUED)

- (14) Development shall maintain a minimum 25 foot landscaped buffer to all exterior property lines which shall consist of either existing vegetation or new plantings, or where appropriate, a combination of existing vegetation and new plantings.
- (15) An overall landscaping plan shall be provided for the development.
- (16) The provision of affordable housing shall be consistent with all applicable rules of the Council on Affordable Housing (COAH) and the Uniform Housing Affordability Controls (UHAC), including with respect to phasing and bedroom distribution.

PUBLIC COMMENT

As per protocol Mayor Mancuso opened Ordinance 15-18 to members of the public and the following appeared to be heard:

Mr. Don Felker – 43 Independence Way - Thanked the Township Committee for working out a compromise and including the resident's concerns in amending the Ordinance. Summarized the meeting to the members of the Association who were in attendance of the meeting that he attended with the Township.

Pastor Sidney Williams – Bethel Church – Was offended by comments that were made by the residents of Liberty Greens at the meeting of May 16, 2018. Stated that individuals should be careful of their language when referring to low and moderate residents as these residents are teachers, DPW workers, members of the Sheriff Office and members of our community.

Mr. Michael Chumer – 16 Powder Horn Drive – Stated that the Township does not have a choice. That there needs to be legislation reform. The resident of Morris Township would not be happy with the Builders remedy that would be handed down by the State of New Jersey.

The following residents oppose, recommended revision or raised concerns to the Ordinance:

Ms. Megan Burke – 8 Shepard Place
Mr. Jeff Lukaszuk – 23 Zamrock Way

Ms. Carol Inelli – 5 Zamrock Way
Ms. Delia Smith – 19 Zamrock Way would like to address height concerns and steep slope exemption and the remedy.

Ms. Karen Ramundo – 16 Arrowhead Road (traffic) Ms. Monroe Chirnomas – 47 Skyline Dr.

Ms. Gret Chen Fritz – 20 Punch Bowl Road (traffic, property value reduction due to L&M units). would like to address height concerns and steep slope exemption and the remedy.

Ms. Karen Mazer – Liberty Green - (traffic)

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Mr. Peter Broemar – 79 Independence Way – Thanked Mr. Mill and apologized to Pastor Williams for his comments at the last meeting; his expressed concerns for this Ordinance has been addressed, but requested additional revisions.

Mr. Daniel Falkner – 29 Bennington Road – Explained Mt. Laurel.

Mr. Gene McKay – 10 Walnut St. – What are the other locations involved with the over-lay? Ans Non-residential properties.

ORDINANCES - PUBLIC HEARING AND FINAL CONSIDERATION (CONTINUED)

ORDINANCE #15-18-AMENDING CHAPTER 95, ZONING OF THE CODE OF THE TOWNSHIP OF MORRIS RE: AMENDING CHAPTER 95, ARTICLE II, SECTION 5 ENTITLED "DESIGNATION OF ZONES," AND AMENDING CHAPTER 95, ARTICLE II, SECTION 6, ZONING MAP OF THE TOWNSHIP OF MORRIS TO INCLUDE SAID ZONES (CONTINUED)

PUBLIC COMMENT- (CONTINUED)

Ms. Hildegard Bucking – 55 Independence Way – What is the maximum number of units overall? Ans. Approximately 250 overall with 33 units proposed on the St. Elizabeth site and the Honeywell site has 24 units.

Ms. Gail Lowry-Davis – 18 Cory Road – Requested simplified legislation so that everyone reading it can understand the legislation.

Zhibing Pan – 92 Constitution Way – How to avoid Developers Lawsuits to 2025? Ans. Mr. Phillips explained what is being done to avoid that situation with this Ordinance. Mr. Pan has concerned with traffic from this proposed development.

Ms. Kimberly Brown – 2 Carlton St. – Has concerns for the increase of population.

Committeeman Mr. Nunn explained the worst case scenario and related that West Windsor and Princeton voted not no on their settlements and the Court decided that West Windsor would have an additional 1500 Low and Moderate Units and Princeton would have 750. The Superior Curt Judge can usurp the Planning Board and as the numbers would be mandated by the Supreme Court. If the Township decides not to approve this Ordinance it would be a roll of the dice and the numbers would be closer to 1100 units.

Ms. Diane Holland – 20 North Bridge Place - Does this Ordinance provide for L&M units on MLK? Ans. Yes.

Ms. Jeffrey Lukaszky – 23 Zamrock Way – Has a concern for the setbacks.

Mr. Robert Simon, Esquire – Representative for the Liberty Green Association – Requested that the recommended amendments be implemented into the Ordinance and stated that this Ordinance may not comply with the Municipal Land se Law; raised concern for the density but that 8 units is appropriate; the fact remains that a 4th round will be in 2015 and that the Township has gotten ahead of it, but there will be challenges to face.

COMMUNICATIONS OF RECORD - NONE

On motion made and seconded the public hearing on this Ordinance was closed.

Mr. Paul Phillips, Township Planner and James Slate, Township Engineer– Addressed the concerns and questions of the public who appeared to be heard.

At this time Mayor Mancuso asked for Committee Comments on Ordinance 15-18:

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Mr. Arvanites – Has great deal of respect for those serving and thanked the public for their participation, if even on short notice, which he apologized; questioned why is it made easier for developers to put in units by the court which is wrong for the residence, but not the developers; he is a proponent of affordable housing which adds to their quality of life; this all comes down to planning for the future of Morris Township, but cannot support this Ordinance due to density of the info-structure.

COMMITTEE COMMENTS ON ORDINANCE 15-18 (CONTINUED)

Ms. Wilson – Clarified that this Ordinance has four (4) zones indicated in the overlay and is located at eight (8) difference locations; glad to hear from the residents of Liberty Greens and the residents from Mountain Shadows development; noted that there are four (4) locations in the Collinsville section of Morris Township that were not addressed at all tonight and that concern her and there are density concerns in those areas also which concern her; There have been excellent comments and suggestions made; objections to how it was rammed through in 13 days; there are big issues with the legalities of Mt. Laurel; the Township has done their work well and did an excellent job with the settlement; Colgate had their process for meaningful input from the public and the Planning Board – meetings took place over a series of weeks – not the case in this situation. Objects to the timing of communication sent by this Committee and suggested that the agenda be sent earlier; need more time on land use situations like tonight's and has been sounding the alarm for weeks; need to be proactive on thigs like this. Important to educate the public on Low and Moderate and Mt. Laurel issues and requirements, there is a need to push back on Fair Share Housing – settlements are unreasonable and its funding by developers and builders raises questions that need to be looked at; the Township needs to produce documents that can be understood and this would educate the public so that questions can be put forth, needs to be proactive; Mr. Slate, Township Engineer stated that this process has been going on for several years contrary to what the Mayor of Morristown stated; there have been several meeting addressing this Ordinance.

Mr. Sisler – Question of procedure (Mr. Phillips and Mr. Slate) issues are important and wants to understand the structure of D3 and B2 to make sure changes have been made or the Township will have problems in the future; structures dealing with potential decks, what is the setback? Ans. There is a concern for encroachment of decks, but that all decking would comply with the Ordinance of a 50 foot setback as long as the decking is attached, which will be a language change to the ordinance that would include that the decks shall not be less than 50 feet from the boundary (revise page 4 section B); point 2 each group of dwelling or other structures; road way will go behind Liberty Green property, but the roadway can be flipped and it can be stated in the ordinance that “no roadway within 50 feet of the adjoining property.

Mr. Nunn – Addressed several concerns in particular 2E3 and B4 – 50 feet from other structures, interior roadway D4G sub section D-3B, 95-20 (b)(c) and 4, paragraph 2 should include fifty feet setbacks.

Mr. Nunn moved to approve amendments re: decks and roadways, duly seconded.

ROLL CALL:	MR. ARVANITES	YES	MR. SISLER	YES
	MR. NUNN	YES	MRS. WILSON	YES
	MAYOR. MANCUSO	YES		

* * * *

Mayor Mancuso requested roll call: On motion duly made and seconded Ordinance 15-18 with revisions:

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ROLL CALL:	MR. ARVANITES	NO	MR. SISLER	YES
	MR. NUNN	YES	MRS. WILSON	NO
	MAYOR. MANCUSO	YES		

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PUBLIC COMMENT

Mayor Mancuso, in accordance with standard procedure, opened the meeting for comments by the general public. The name, address and summary of comments and responses, as appropriate, follows: No one appeared to be heard.

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TOWNSHIP COMMITTEE MEMBERS COMMENTS/QUESTIONS

At this time Mayor Mancuso called upon the Members of the Township Committee for comments which are summarized as follows:

MR. ARVANTIES - No comment.

MRS. WILSON- Learned that communication is important.

MR. NUNN – There has been two (2) public hearing on this Ordinance and thanked everyone for attending. Comments and concerns will be incorporated into this Ordinance and still there are two (2) no votes. The Planner, Engineer, and Attorney were happy to listen to public comments and amendments were made relating to the concerns expressed by the residents.

MR. SISLER – No comment.

MAYOR MANCUSO – Thanked those in attendance and appreciated the input.

* * * *

SUGGESTED REVISION:

Ms. Wilson –

CALL TO ADJOURNMENT

At 9:33 P.M. with no further business to be considered, on motion duly made, seconded and unanimously (5-0) adopted that the May 24, 2018 Special meeting was adjourned, next to convene on June 20, 2018 Meeting 5:30 P.M (to Closed), 7:00 P.M. (Regular Meeting) in the Municipal Building, 50 Woodland Avenue, Township of Morris.


CATHLEEN AMELIO
TOWNSHIP CLERK