

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
May 15, 2023**

Call to Order

The regular meeting of the Township of Morris Planning Board was called to order on Monday, May 15, 2023, at 7:00 P.M. in the Municipal Building, 50 Woodland Avenue, Township of Morris, N.J. in person and via Zoom.

The Pledge of Allegiance was led by Mr. Richard Bye, Chairman

Statement of Adequate Notice: The 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 May 10, 2023, 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. 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. Michael Nunn
Mr. William Ravitz, Deputy Mayor
Ms. Linda Murphy
Mr. Edward Benoit
Mr. George Quillan
Ms. Catherine Wilson, Township Committee
Mr. Jesse Flowers, Alternate #1
Mr. William Barrett, Alternate #2
Mr. Richard Bye

Members Absent

Ms. Tanya Van Order
Mr. Joseph Alesso

Professionals Present

Mr. Steven Warner, Board Attorney
Mr. Paul Phillips, Board Planner
Mr. James Slate, Board Engineer
Ms. Sonia Santiago, Board Secretary

Professionals Absent

None

Consideration of approval of minutes of the January 9, 2023 re-org and regular meeting. Ms. Wilson moved to approve the minutes seconded by Ms. Murphy and unanimously carried.

Consideration of approval of minutes of the April 17, 2023 regular meeting. Ms. Wilson moved to approve the minutes as amended seconded by Mr. Ravitz and unanimously carried.

Resolutions

Consideration of the following resolutions thereby memorializing the action taken by the Board at the April 3, 2023 and April 17, 2023 meetings:

PB-12-22, JCP&L c/o First Energy Corp.

Site Plan / Variance

Block 8601, Lot 4, 300 Madison Avenue, OL-5 zone.

Mr. Quillan moved, seconded by Mr. Ravitz and roll call as indicated that Resolution of Approval as amended, attached hereto and by reference made part of the official minutes of this meeting, be adopted, memorializing the action taken by the Planning Board at the April 3, 2023 meeting.

Roll Call (voting members)

Mr. Quillan	YES
Mr. Ravitz	YES
Ms. Wilson	YES
Mr. Barrett	YES
Mr. Benoit	YES

PB-09-22, Solar Landscape, LLC

Site Plan / Variance

Block 10104, Lot 1, 307 East Hanover Avenue, I-21 zone.

Mr. Warner stated that the resolution is still under review by the applicant's attorney and professionals and it will ready for the next meeting.

Public Hearings

PB- 03-23, Morristown Area American Little League

Courtesy Review

Block 7303, Lot 15, 35-47 Woodland Avenue, OSGU zone.

Applicant proposes construction of a 5,650-sf open-air canopy over existing batting cages.

Proof of publication and affidavit of service filed and approved by the Board attorney.

Ms. Jennifer Porter, attorney for the applicant, entered her appearance and presented the application to the Board.

The following professionals sworn in by Board attorney appeared to be heard.

- Timothy Fell, Past President of MAALL
- Daniel Sehnal, Professional Engineer
- John Lyons, Professional Architect
- James Slate, Township Engineer
- Paul Phillips, Township Planner

The following exhibits were submitted during testimony.

A-1 Photograph – spring of 2021

Summary of Testimony – Timothy Fell, Past President of MAALL

Mr. Fell reviewed a photograph submitted as A-1 which consisted of a tree that fell down during strong winds in spring of 2021 and destroyed the cages. That's what has driven us to redo the cages in a significant way for more safety from further accidents such as this, it will also have a longevity with a roof structure or canopy it will protect the surface cages itself and many of the elements that have wear and tear on the project right now. It will also allow us to use the cages for our players and rec programs in a more significant way such as if the field were unusable because of rain, players can still

go down and work on the cages and with the lighting inside the cages it will allow us to work a little longer. The purpose of the application is to construct an open-air canopy. This project will significantly improve the Ginty complex from an aesthetic stand point that area by the cages is beaten with bushes, poison ivy, roots, dead trees, it is an eyesore. This project with some of the tree removal and love and tenderness with mulching and weeding will make the area of the Ginty Park a more attractive area, it's been a long road. A discussion was carried among the Board members and the applicant's professionals regarding the funding and maintenance of the property.

Summary of testimony – Daniel Sehnal, Professional Engineer

Mr. Sehnal described the site plan and stated that there will be some maintenance done in the area. The canopy will be 45 feet in width and approximately 135 feet in length we are proposing gutters to collect water and pipe it underground to the drain inlet on Dwyer Lane. The setbacks will remain unchanged to the batting cages. There will be new turf placed inside the cages. Discussion was carried among the Board members and the applicant's professional regarding landscaping and lighting.

Summary of testimony – John Lyons, Professional Architect

Mr. Lyons proceeded to review the architectural plan with the Board. He stated that the canopy will cover the batting cages and the turf around the cages. The structure will be open with roof over it. There will be lighting under the structure, there is existing lighting on the cage by the door. The lights will shine down to the cages. A discussion was carried among the Board members and the applicant's professional regarding the lights. Cages will be used by the American and National teams as well as members of the public.

Mr. Phillips stated that the proposal is not inconsistent with the Master Plan, the property is in the OSGU district classification in the Master Plan document and that classification envision and also permits the underlying use which is basically recreational facilities and fields. One of the goals is to preserve and enhance open space and recreational facilities. The most recent Re-examination Master Plan is to renovate and upgrade existing park facilities as appropriate including modernization of neighborhood park facilities. For these reasons this is a no brainer in terms of Master Plan constancy.

The meeting was opened to the public for questions / comments of the witnesses; the following persons appeared to be heard.

Paul Harsh	40 Woodland Avenue
Michelle Cullim	44 Woodland Avenue

Public portion closed at 7:54 pm.

Mr. Ravitz moved, seconded by Ms. Murphy that approval be granted to the application of Morristown Area American Little League thereby permitting the construction of an open-air canopy on Block 7303, Lot 15 and that the Board Attorney be authorized to prepare a formal resolution memorializing action taken by the Board, same to be presented for consideration at the June 2023 Board meeting.

Roll Call (voting members)

Mr. Flowers	YES
Mr. Barrett	YES
Mr. Nunn	YES
Mr. Ravitz	YES
Ms. Wilson	YES
Ms. Murphy	YES
Mr. Benoit	YES
Mr. Quillan	YES
Mr. Bye	YES

9 Ayes 0 Nays 0 Abstain, application approved.

Other Matters

- Legislative Committee Report (if any) none to be heard
- Outdoor Dining ordinance (discussion) Mr. Phillips informed the Board that there are a number of applications that have come before the Board requesting outdoor dining. The current ordinance is silent on outdoor dining. What we are proposing is to amend the drive-in definition in the ordinance. We just want to make the definition clear. We don't have a definition of a restaurant we thought this is the right time to do a definition of the restaurant which is to consume within the establishment. The next thing in the ordinance is restaurant is only allowed in the OL-5 zone. We want to recommend restaurants in the B-11 zone and be eliminated from the OL-5 zone. We are also recommending outdoor dining as a permitted accessory use to a restaurant in the B-11 zone subject to a series of standards and they would be bulk standards, the reason we set them up as bulk standards as oppose to conditional use standards, we want the Planning Board to retain jurisdiction if someone comes in with an outdoor dining and doesn't meet one of the standards, we think is best reviewed by the Planning Board rather than the Board of Adjustment. A discussion was carried among the Board members regarding outdoor dining within the rear yard, amplified music and lighting ordinance and standards.
- Master Plan (discussion) Mr. Bye informed the Board that the next Master Plan will take place in 2027. There were some thoughts and comments that we wanted to be more proactive and less reactive in terms of where we would like to see it go. Recognizing that there is no money in the budget right now to do anything concrete. But think about as a Planning Board what we might want to see addressed and how it might look. And also, what the role of the Planning Board is and should be. There were some discussions at the February 6 meeting on a broad scale, do we want to see a re-examination or do we think that the whole thing should be redone that's like a major task to be done. Whatever decision or direction we want to go, it requires that the Planning Board really understand what is there and what the process is. His recommendation is to look at the previous master plan, affordable housing along with the MLUL so when we start the review, we are more knowledgeable. A discussion was carried regarding the Master Plan process.

Public Commentary


The meeting was opened to the public for any questions or comments not related to any application; no one appeared to be heard.

Closed Session (if any) None

Adjournment

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 9:01 P.M.

Respectfully submitted,


Sonia Santiago, Secretary
Township of Morris Planning Board
Approved: June 5, 2023