

**TOWNSHIP OF MORRIS
PLANNING BOARD
REGULAR MEETING MINUTES
JUNE 5, 2023**

Call to Order

The regular meeting of the Township of Morris Planning Board was called to order on Monday, June 5, 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 31, 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

Ms. Tanya Van Order
Mr. Joseph Alesso
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

Mr. Michael Nunn

Professionals Present

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

Consideration of approval of minutes of the May 15, 2023 regular meeting. Ms. Wilson moved to approve the minutes seconded by Mr. Ravitz and unanimously carried. Mr. Alesso and Ms. Van Order abstained.

Resolutions

Consideration of the following resolutions thereby memorializing the action taken by the Board at the April 17, 2023 and May 15, 2023 meetings:

PB-09-22, Solar Landscape, LLC
Block 10104, Lot 1, 307 East Hanover Avenue, I-21 zone.

Site Plan / Variance

Mr. Alesso moved, seconded by Ms. Wilson 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, memorializing the action taken by the Planning Board at the April 17, 2023 meeting.

Roll Call (voting members)

Mr. Alesso	YES
Ms. Van Order	YES
Mr. Ravitz	YES
Ms. Murphy	YES
Mr. Benoit	YES
Mr. Flowers	YES
Ms. Wilson	YES
Mr. Bye	YES

PB- 03-23, Morristown Area American Little League
Block 7303, Lot 15, 35-47 Woodland Avenue, OSGU zone.

Courtesy Review

Mr. Ravitz moved, seconded by Mr. Quillan 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, memorializing the action taken by the Planning Board at the May 15, 2023 meeting.

Roll Call (voting members)

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

Public Hearings

No applications for review by the Board.

Other Matters

- Legislative Committee Report (if any) Mr. Ravitz informed the Board that a resolution was passed at the last Township Committee meeting to create a Cannabis Advisory Board they are looking for five volunteer residents to meet with other Township personnel and decide on a recommendation whether to move forward with licensing Cannabis in the Township and if so what license or licensing they would need, that would be a decision of the ad-hoc committee. Applications will be posted on the website for anyone who might be interested in becoming a member of the advisory committee.
- Ordinance 11, 23 amending Chapter 57, Land Development, Article I, Section 3 and Chapter 95, Zoning, Article III, of the Code of the Township of Morris for Master Plan Consistency.

Mr. Warner informed the Board that they should do master plan consistency review on every land development ordinance. We have the drive-in restaurant ordinance and the fair share housing settlement agreement ordinance. These are not public hearings they are referrals from the Governing Body we weigh in as keepers of the Master Plan. We can do a resolution in the

event the Board finds each ordinance not inconsistent with the Master Plan this will be the report back to the Governing Body.

Mr. Phillips informed the Board that Ordinance 11-23 is an amendment that would expressly allow for outdoor dining as an accessory use to a restaurant in the B-11 zone subject to standards. The substance of the ordinance was already discussed at our last meeting. With regard to Master Plan consistency, he reviewed the 1994 Master Plan including the latest re-exam of the Master Plan of 2017. The Master Plan documentation is silent on the issue of outdoor dining. He pointed out that one of the goals in the Master Plan is for the Township to continually assess conditions along commercial corridors and to determine whether any changes or modifications are needed. Clearly, this amendment is consistent with that goal and objective. It is reasonable to conclude that this amendment is not inconsistent with the Master Plan as discussed. A discussion was carried among the members and the professionals regarding the ordinance.

On a motion duly made by Ms. Murphy seconded by Mr. Benoit and roll call as indicated, the resolution finding ordinance 11-23 relating to drive-in restaurants and outdoor dining areas to be not inconsistent with the Master Plan was approved.

Roll Call (voting Members): Mr. Alesso, Ms. Van Order, Mr. Flowers, Mr. Ravitz, Ms. Murphy, Mr. Benoit, Mr. Quillan, Ms. Wilson, Mr. Bye.

- Ordinance 13, 23 amending Chapter 95 Zoning, Article II, Section 6, and Article III, of the Code of the Township of Morris for Master Plan Consistency.

Mr. Phillips informed the Board that Ordinance 13-23 reflects the Township Settlement Agreement with Fair Share Housing Center resulting from their litigation over the Red Bulls rezoning. Going back to the third-round housing plan from 1999 to 2025 we had a total of obligation of 767 units and it was reduced to 400 units. We went out and did a vacant land analysis and we negotiated the 767-unit number down to 400 in our settlement with Fair Share Housing. The difference which is 367 units is known as unmet need and it doesn't go away, there is a different standard that you must show that you are attempting to address all of the portion of the unmet need through various mechanisms. And we chose two mechanisms, one was an affordable housing set a side ordinance which is in place. It says, if the town so choses, by way of rezoning with a use variance or redevelopment plan to allow multifamily housing, it is under no obligation to do so and if choses to do so and it involves more than five units or a density of more than six units per acre, there has to be an affordable housing set a side.

The other one we negotiated as part of our settlement with Fair Share Housing that we selected seven sites most of them in the I-21 zone, most of them developed with uses to provide overlay zoning. The overlay zoning basically is the underlaying zoning that doesn't go away; owners are not under no obligation to build affordable housing, it's just if there is change in ownership or someone wants to convert the use, they now have the ability in does seven overlay zones to develop multi-family housing as long as they meet the set a side. Most of them are in the I-21 one, of them is an office building on Lindsley drive which is in the OL-5 and there might be one that is not I-21, five of the seven are in the I-21 zone and most of them are located off Hanover Avenue. That density which we have zoned now as overlay is 10 units per acre for six of the seven sites with a 15% set a side. The one exemption is 1 Cory Road and 1 Cory Road was one of the interveners in our case and we were able to negotiate with them as part of the settlement agreement a slightly higher density, they were allowed to do 12 units per acre with 15% set a side and they could go as high as 15 unit per acre, but then they would have to provide 20% set a side. As part of the settlement of the Red Bulls litigation with Fair Share Housing, we agreed to increase the allowable density and set aside to mirror One Cory Road and we also had to include one

additional overlay site which is at the end of Lindsley Drive and we had to agree to the changes in order to settle the Red Bull litigation with Fair Share Housing Center. Essentially, all of the overlay sites except for the one on Lindsley Drive are identified in our Fair Share plan. The Fair Share Housing Element is part of the Master Plan. In this case it means to address a portion of our unmet need. This amendment is substantially consistent with the Housing Element to increase the density to bring it up to the same density as One Cory Road and we are adding one additional site. Clearly, our housing element reflects the fact that we have an unmet need and this is basically to provide some realistic opportunity through overlay zoning to meet a portion of the unmet need and as part of the settlement with Fair Share Housing. This amendment is substantially consistent or not inconsistent with the housing element and Fair Share Plan.

Mr. Warner asked if it would be fair to say that the ordinance also is consistent with the promotion of affordable housing goals and objectives that are in our master plan and our master plan re-examination report. Mr. Phillips agreed that the ordinance is consistent with the Master Plan. A discussion was carried among the Board members and the professionals regarding meeting the housing requirement.

On a motion duly made by Mr. Benoit seconded by Ms. Wilson and as roll call indicated the resolution finding ordinance 13-23 relating to Implementing the terms of a Global Settlement Agreement and Limited Release between the Township and Fair Share Housing Center, Inc. to be not in consistent with the Master Plan was approved.

Roll Call (voting Members): Mr. Alesso, Ms. Van Order, Mr. Flowers, Mr. Ravitz, Ms. Murphy, Mr. Benoit, Mr. Quillan, Ms. Wilson, Mr. Bye.

**Mr. Ravitz recused himself from the meeting at 8:00 pm.
Mr. Barrett is seated at this time.**

- Master Plan (discussion) Mr. Phillips opened a discussion with regard to the Master Plan implementation that came out of the 2017 Re-examination. There were some recommendations that were divided into short term, medium term, longer term and some on-going. Out of that we provided a chart that goes into more detail with regard to the recommendations by topic and source to see if the recommendation was made and provides priority levels. Mr. Slate reviewed the re-examination report of what has been completed and what is on-going with the Board.

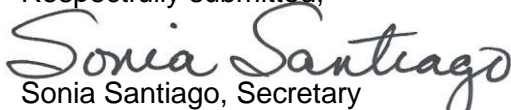
Public Commentary

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

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 9:08 P.M.

Respectfully submitted,


Sonia Santiago, Secretary
Township of Morris Planning Board
Approved: September 11, 2023