



BURGIS ASSOCIATES, INC.

COMMUNITY PLANNING AND DEVELOPMENT CONSULTANTS

PRINCIPALS:

Joseph H. Burgis PP, AICP

Brigette Bogart PP, AICP

Edward Snieckus PP, CLA, ASLA

Community Planning
Land Development and Design
Landscape Architecture

**Township of Parsippany Troy Hills, Morris County
Highlands Plan Conformance
Cover Sheet – Record of Public Involvement**

1. Minutes of August 24, 2009 Township Planning Board meeting.
2. Agenda of August 24, 2009 Township Planning Board meeting.
3. Public Notice of August 24, 2009 Township Planning Board meeting.
4. Minutes of September 14, 2009 Township Planning Board meeting.
5. Agenda of September 14, 2009 Township Planning Board meeting.

**MINUTES OF THE PARSIPPANY – TROY HILLS
PLANNING BOARD –MEETING
MONDAY AUGUST 24, 2009**

Chairman Parikh called the Planning Board Meeting of Monday, to order at 7:33 PM.

Members Present: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Mr. Dinsmore, Dr. Elbin, Mr. Keller, Chairman Parikh

Also Present: Anne Marie Rizzuto, Planning Board Attorney
Edward Snieckus, Burgis Associates
Gordon Meth, The RBA Group

Absent: Councilwoman Grossi, Mayor Luther, Mr. Purzycki

Announcement is made that adequate notice of this meeting has been given, that it is being conducted in accordance with N. J. S. A. 10:4-6 et seq. of the New Jersey "Open Public Meetings Act".

The meeting was opened to the public on anything not on the agenda. There was no one in the public wishing to speak.

Ms. Baldwin made a motion to approve the resolution for Amended Preliminary Site Plan for 78 Fanny Road, LLC, Application # 09:503. Motion seconded by Mr. Keller. Ayes: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Dinsmore, Dr. Elbin, Mr. Keller, Chairman Parikh.

Ms. Baldwin made a motion to approve the resolution for Preliminary and Final Site Plan for 77 East Halsey Road, LLC, Application #09:502/09:1. Motion seconded by Mr. Keller. Ayes: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran Mr. Dinsmore, Dr. Elbin, Mr. Keller, Chairman Parikh.

Ms. Baldwin made a motion to approve the resolution for Final Site Plan for Parsippany Jewelry Center, LLC, Block: 693 Lot: 16, Application # 08:516. Motion seconded by Mr. Keller. Ayes: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Mr. Dinsmore, Mr. Keller, Chairman Parikh.

Ms. Baldwin made a motion to approve the resolution for Final Major Subdivision for Lembo-Barone, Block: 757 Lot: 54, Application # 08:001. Motion seconded by Mr. Keller. Ayes: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Mr. Dinsmore, Mr. Keller, Chairman Parikh.

Under correspondence there is a memo from Judy Silver, Township Clerk regarding an extension of a Soil Moving Permit for Ivy Realty. Robert Garofalo was present representing Ivy Realty. He explained that this is part the package

they have been before the Board with. He wrote directly to the Clerk for the Council requesting the extension and Judy Silver is requesting the Planning Board approval. Mr. Lizza, the new engineer has been requiring extensions on soil moving permits annually.

Chairman Parikh asked if the soil moving remains the same since the work to be done on the 20 Lanidex lot has changed. Mr. Garofalo said the quantity to be moved is within the previous permit so all they need is an extension.

There were no questions from the Board or the public. Ms. Baldwin made a motion to recommend an extension to March 15, 2010 for Ivy Realty, 20 Lanidex Plaza West. Motion seconded by Mr. Keller. Ayes: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Mr. Dinsmore, Dr. Elbin, Mr. Keller, Chairman Parikh.

There is a letter from Jon Huston requesting an amendment to a soil moving permit for Pfizer, Inc, Lot: 737 Lot: 5. They got an approval a month ago but now wish to extend the hours to allow work on the weekend. He said there are no residences or retail near the property. Chairman Parikh asked if the route will remain the same. And Mr. Huston said they will go directly to the highway with the soil. Pfizer is asking permission to work until December 31, 2009. All of the work is in the front yard. Ms. Mader said Mr. Lizza said he had no problems with the work on weekends as long as the route remains the same.

Ms. Baldwin made a motion to recommend amending the Major Soil Moving permit to allow work on weekends, 8:00 AM to 4:00 PM with no work on holidays through 12/31/09. Truck traffic to be between 9:00 and 4:00 only. The route to be as allowed in the previous approval. Motion seconded by Mr. Keller. Ayes: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Mr. Dinsmore, Dr. Elbin, Mr. Keller, Chairman Parikh.

There is a letter from Mr. Garofalo dated August 20, 2009 requesting an extension for Atmiya Investments Corp., LLC (now Arya Plaza, Inc.) of Preliminary Major Site Plan approval, Application 04:522 to October 8, 2010. Mr. Garofalo said the original approval was granted in August 2005 and they have received one extension to August 1, 2009. This is the second one year extension permitted under the statute. The required additional governmental approvals have been received.

Mr. Garofalo said that Ms. Rizzuto has come up with an outline of the information needed for the board to act on extensions and he will comply on all future extension requests.

Ms. Baldwin made a motion to grant an extension to August 8, 2010 for Atmiya Investments Corp. LLC Application # 04:522 to include the Soil Moving Permit. Motion seconded by Mr. Keller. Ayes: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Mr. Dinsmore, Dr. Elbin, Mr. Keller, Chairman Parikh.

Chairman Parikh announced that the application for Riya Earth Parsippany, LLC, Block: 412 Lot: 8, 240 Littleton Road, Concept Plan Application # 09:510 has been postponed to September 14, 2009 at the request of the applicant. No further notice will be given.

The first item on the agenda is RVRSA, Block: 493 Lot: 1, Greenbank Road for a Courtesy Review. Christopher Falcon represented the applicant. Mr. Falcon said he was here in July 07 but since then the RVRSA has reduced their plans and made some modifications resulting from that first visit. Mr. Flacon had Mr. Edward Ho the Director of the RVRSA who was sworn in.

Mr. Ho explained that the facility was originally built in the 1920s with the current plant built in 1986. He reviewed the process they use noting there are no chemicals other than to disinfect and a chloride process. Like any biological process they generate waste (WAS) Waste Activated Sludge which has to be dealt with. They are also confronted with new environmental requirements. Which result in more waste.

The current sludge plant was built on the 1990s, so now it needs to be updated and improved.

Robert Curti was introduced, sworn in and qualified as engineer. He is the project manager. Mr. Curti brought color renderings of two pages of the plans submitted marked as Exhibits A-1 and A-2. Exhibit A-1 is Sludge thickening building modifications site survey map, page 2 of 20, drawing S1. Exhibit A-2 is page 19 of 20, a rendered version of AR-6.

Exhibit A-1 shows that the new plan is similar to the old one. The access road is the same on the southwest side of the existing building. The last proposal was for a 3800 sq. ft. building at 60 feet high. Now they are doing a sludge truck loading facility. The balance of the changes planned are in the sludge thickening building. The thickened sludge will now be loaded indoors and odor controls will be added.

The new truck loading building will be 2600 sq. ft. and 30 feet high, same as the existing building with the truck loading area at 22 feet high on the northwest side of the building, further away from Greenbank Road.

Exhibit A-2 is page 19 of 20 colored. Truck traffic is currently about 8 per day and this will drop to 6 per day. Mr. Curti showed the new maneuvering plan for the trucks. The exhibit also shows a new permanent Stormwater detention basin where there had been a temporary one planned. This meets the new storm water regulations. The new pond will be more than 50 feet from the wetlands.

Lighting will be on the access road and behind the building. All lights will be contained in that area with no light exiting from the site. The trucks may leave after dark in the winter. Noise comes mostly from the odor control blowers which

will be outside with noise attenuation around the blowers. Everything else in inside the building. They are adding a carbon absorption unit for odors.

As a result of the last presentation they have added a guard rail on the road behind the building and they have improved the traffic pattern. They will need a soil moving permit for the project. The existing loading area will remain as an emergency back-up facility. The facility runs from 7:00 AM to about 2:30 PM. They have emergency generators on site already.

Mr. Meth had no comments. He said he did notice there are no traffic signs shown on the plan and said they should be shown and comply in sign height. Mr. Snieckus confirmed that no trees will be removed for the new storm water basin.

Ms. Rizzuto will look into whether a resolution is needed. Last time there was just a letter from the Board with a copy of the minutes which they provided to the state for their requirements.

Chairman Parikh called a short recess.

The meeting was reconvened at 8:48 PM.

Members Present: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Mr. Dinsmore, Dr. Elbin, Mr. Keller, Chairman Parikh

Also Present: Anne Marie Rizzuto, Planning Board Attorney
Edward Snieckus, Burgis Associates
Gordon Meth, The RBA Group

The next case is New York SMSA/Verizon. Warren Stillwell represented the applicant.

Reports for the record;

Burgis Associates dated July 24, 2009

The RBA Group dated August 19, 2009

Fire District #6 dated March 25, 2009

Forestry Department dated March 30, 2009

Tax Assessor dated April 1, 2009

Morris County Planning Board dated April 1, 2009.

Witnesses introduced are Robert Foley, Engineer and Rick Masters, Planner. Both were sworn in and qualified.

Mr. Stillwell explained this is a Minor Site Plan with one variance for rear yard set-back for a back-up generator for the Verizon antennas on the roof of the building.

Waivers are requested for wetlands which will be covered in testimony, contours beyond the area, landscaping plan, traffic study and environmental assessment. Ms. Baldwin made a motion to grant the waivers, seconded by Mr. Keller. Ayes:

Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Mr. Dinsmore, Dr. Elbin, Mr. Keller, Chairman Parikh.

Mr. Foley explained that the compound will be 7 feet by 17 feet with a fence. There will be underground wires to the building. The unit is 60 KW as shown on sheet 2 of 2 and is about 12 feet long by 4 feet wide and 10 feet high. The area of the building is the rear of the building adjacent to a drive for emergency circulation, not near any parking. The fence will be 6 feet.

Operations comply with all DEP regulations including noise. It is a diesel generator with a 210 gallon tank. Testing will be done during business hours Monday to Friday. The generator has a containment system with a double wall tank. There will be bollards at either side of the compound. An alarm will be tied to the Verizon system, not the building's.

The set-back is to the lot line with the Parsippany Animal Shelter. To move it further north to avoid the variance the generator would be located on a slope to Rt. 287 requiring a Critical Slope variance. This location was selected to avoid losing any parking spaces and to be most obscure.

There were no questions from the Board or the public for Mr. Foley.

Mr. Masters testified regarding the variance requested. The allowed minimum for a rear yard set-back for an accessory building is 25 feet and proposed is 21 feet. The rear yard is to the adjoining property. There is a gore of land between lot 15 which is rear of the animal shelter and Brookside Senior Citizens Center. It actually appears to be the right of way for Route 287. Mr. Masters said this location is a better option than any other spot on the property.

Exhibit A-1 is photos of the site and a simulation of the proposed generator. The generator is enclosed inside a six foot fence with bollards at either end. The fence was originally proposed at eight feet and they have reduces it to six feet. Revised drawings have been submitted.

The applicant agrees with the report of the Fire District. There were no further questions from the Board or the public. Ms. Baldwin made a motion to approve the application for NYSMSA, Block: 412 Lot: 2, Minor Site Plan and "C" Variance subject to the reports of Burgis Associates dated July 24, 2009. The RBA Group except item #2 dated August 19, 2009 and Fire District #6 dated March 25, 2009. Motion seconded by Mr. Keller. Ayes: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran, Mr. Dinsmore, Dr. Elbin, Mr. Keller, Chairman Parikh.

The last case is the continuation of Katherine Hall and East Jersey Developers, LLC, Application 08:004. Howard Spear represents the applicant. Mr. Spear said we have dealt with many of the issues raised at previous meetings including revising the driveway to comply with the Fire Department and to avoid steep slopes. What remains are the sewers and the accessory building.

Michael Textores the project engineer was already sworn in. He said he met with Bob Strechay and Steve Mizerak for Engineering & Environmental about the sewers. There is a letter dated August 20, 2009 regarding the situation. The sewer Department approves the subdivision subject to two conditions;

1. No building permits will be issued until the Sylvan Way sewer system has been upgraded.
2. No building permits until the Puddingstone pumping station has been completed to the satisfaction of the Township and NJDEP, and until the Township takes possession of the pumping station.

Mr. Textores said this should settle the sewer issue. The second issue is the accessory building on the property. He referred to exhibit A-3 dated 5/11/09. The building is about 1800 sq. ft. 825 sq ft. of that building is aluminum sided. The applicant has agreed to demolish the sided portion of the building leaving the brick portion of about 975 sq. ft. That is a 45% reduction in the building and it will be more the size of a three car garage.

Mr. Dinsmore asked if there were any plans regarding a specific use of the building. Mr. Textores said they do not and any use would be up to the purchaser of the structure. They would agree to the resolution stating that it will be an accessory use only. If used as a garage the entrance would be on the left side. The wall where the rest of the building is removed will be completed with similar material to the rest of the building, namely brick.

Mr. Burns asked about the tower and Mr. Textores said the tower will come down. All fuel tanks have already been removed. The building will be a vacant open room. The bathroom will also be removed. If a future owner decided to build on to that structure it would become part of the principle structure.

Mr. Dinsmore said he does not want to see all utilities removed but rather a useful building should remain. This would be a discussion of the board. He wants it in a condition that it can not be turned into an apartment but not be just an abandoned building left to decay.

Ms. Rizzuto said the other questions she has include the timing of events, like when does the demolition of half the building take place, or the demo of the tower. Mr. Textores said it could be years before they could get building permits so demolishing part of the building now seems unnecessary. Mr. Atewan, from East Jersey, and previously sworn, said the tower is still in use by a pager company. There is no signed contract but they maintain the property. He has not received any rent since last year. He said there is no need to take the tower down at this point.

Ms. Rizzuto summarized. Legally the applicant has an obligation to perfect the subdivision within 180 days but how could deeds be prepared without a road etc? Mr. Spear said the subdivision is forever, the period of protection is what could expire, so if the area is rezoned they could have to come back to the board.

She listed the details and conditions;

This is a Preliminary Major Subdivision in the R-1 zone to create four lots from two lots. The current Lots are Block: 6 Lot 12 and Block: 8 Lot: 1. There are two separate owners of the lots who are joined in one application.

- 1 The Tulip Lane Right of Way is to be vacated by the Township.
2. Violet Street is to be created by the developers of Puddingstone Heights and dedicated to the Township. The road must meet the standards for a public roadway.
3. Demolition of the cell tower, the sided half of the accessory structure to the east of 825 sq. ft., and fencing to be done.
4. There are "C" Variances for the two lots to the rear that do not have frontage, and the remaining accessory building is 1.5 feet too high.
5. On lot 12.01 there is a small triangle that currently has frontage on Tulip Lane. If Tulip is vacated that lot will have no frontage. Mr. Spear said there has been an application in Denville to annex that portion on the lot.
6. The extension of the sewer and water lines in Violet Street are to be paid by the applicant with water meter pits per the memo from Kevin Ryan, Water Department. Also subject to the timing as listed earlier.
7. A Developers Agreement will be required.
8. The properties will be subject to the Scarce Resource Order from COAH.

Regarding the utilities for the accessory building they should run off any principle building, not be a separate meter. Chairman Parikh noted that no resolution is going to stop someone from doing something illegal.

Ms. Baldwin made a motion to approve the Preliminary Major Subdivision and "C" variances for Katherine Hall / East Jersey Developers Application # 08:004 subject to the reports of Burgis Associates, The RBA Group and Township Engineer, Fire District #1, Engineering & Environmental, Tax Assessor, Water Department, Morris County Planning Board, Forestry Department, and subject to the conditions listed by Ms. Rizzuto in her summary. Motion seconded by Mr. Keller. Chairman Parikh asked the board to state their reasons when they vote.

Ms. Baldwin, voted yes because she is satisfied with the removal of a portion of the building and the agreement that there will not be two dwellings.

Ms. Bronfman, voted yes and she stated that she would like it on the record that she would prefer utilities be removed from the accessory building and there are assurances that the accessory building will not become a second dwelling.

Mr. Burns, voted yes with all the added conditions listed by our attorney.

Mr. Corcoran, voted no because he fears the second building will be used illegally.

Mr. Dinsmore voted yes. He believes the steps taken with the accessory building will suffice.

Dr. Elbin voted yes. She believes the restrictions in place are good.

Mr. Keller voted yes. He feels the same as the other members and feels that the applicant has made every effort to accommodate the Board's concerns.

Chairman Parikh voted yes and agreed that the applicant has accommodated the Board.

Final vote 7 – 1 for approval. For the records the meetings held on this matter were December 3, 2008, May 11, 2009, June 22, 2009 and August 24, 2009.

The final item on the agenda is a discussion of the Draft of the Highland Master Plan Element. Mr. Snieckus noted there was no one present from the public.

He said the document or Module 5 or Highlands Plan Conformance Draft Master Plan Element is similar to the Initial Assessment report prepared previously. It is the official element that would be adopted at a later date. It is a format element that the Highlands gives us going through plan conformance so we can understand the goals, objectives and components that would go into a reassessment of our Master Plan if we seek Highlands conformance.

Mr. Snieckus suggested the discussion could be carried to the meeting of September 14 as both nights were noticed. This is a venue for public discussion but no public is present.

Chairman Parikh said if anyone has any questions they can ask rather than Mr. Snieckus going all through the draft tonight. He asked what happens next. Mr. Snieckus said this gets filed with the Highlands as a draft only. It is one of the required components that if we seek plan conformance on December 8, 2009 the document will be in place. It may not be the final document as it would be taken for further review and adjustment. This draft is just to allow understanding of the policy if we go forward.

Chairman Parikh asked if it is the Planning Board that decides. Mr. Snieckus said the Planning Board makes a recommendation as a first step on opting in or not to the governing body. He would meet with the council to discuss the process and the Planning Board's recommendation.

If the Township decides not to conform to the Highlands then our COAH Housing Plan is due.

Mr. Snieckus said they are looking at portions of the Highlands plan like riparian buffers as controlling elements had how it would affect our vacant land analysis for COAH.

Mr. Corcoran asked about the Transfer of Development Rights that has been discussed. Mr. Snieckus said that the Highlands are maintaining that the transfer is a voluntary process, right now. He said they are offering a 50% of your COAH number as in an RCA number to another community in the Highlands area. The question would be who would take them; it seems there are not many possibilities.

The Highlands discussion will remain on the agenda of September 14. Ms. Rizzuto said she is attending a Highlands seminar on Ordinances. If the decision takes an ordinance that takes two meetings of the Council so they would have to act in October. Mr. Snieckus said he understood there is a grace period for adoption of the ordinances; they come after the option to opt in or not is taken by December 8, 2009. Chairman Parikh suggested that the first meeting in October be dedicated to the Highlands and a making recommendation.

Mr. Snieckus agreed and said he is preparing a memo of the pros and cons of Highlands Conformance. The October 5, 2009 workshop will be dedicated to the Highlands.

There were no further questions or comments.

Meeting adjourned at 10:25 PM.

MEETING OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS PLANNING BOARD
MONDAY AUGUST 24, 2009 @ 7:30 P.M.

Members Present: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran,
Dr. Elbin, Mr. Dinsmore, Councilwoman Grossi,
Mr. Keller, Mayor Luther, Mr. Purzycki, Chairman Parikh

Also Present: Gordon Meth, The RBA Group, Engineer
Edward Snieckus, Burgis Associates, Planner
Anne Marie Rizzuto Esq., Planning Board Attorney

Absent:

Announcement is made that adequate notice of this meeting has been given that it is being conducted in accordance with N.J.S.A. 10:4-6 et seq. of the New Jersey "Open Public Meetings Act".

The meeting is opened to the General Public.

Adoption of Resolutions:

78 Fanny Road, LLC

Block: 448 Lot: 23
Preliminary Site Plan
Application # 09:503

77 East Halsey Road, LLC

Block: 740 Lot: 2
Preliminary/Final Site Plan and
"C" Variance
Application # 09:502/09:1

Parsippany Jewelry Center, LLC

Block: 693 Lot: 16
176 Route 46
Final Site Plan
Application # 08:516

Correspondence:

Memo from Judy Silver, Township Clerk regarding Soil Moving Permit extension for Ivy Realty.

Letter from Jon Huston dated 8/14/09 requesting amendment to Soil Moving Permit for Pfizer, 100 Jefferson Road approved 7/13/09.

Agenda:

RVRSA

Block: 493 Lot: 1
Greenbank Road
Courtesy Review

**Katherine Hall /
East Jersey Developers, LLC**

Block: 6 Lot: 12
Block: 8 Lot: 1
Violet Street
Preliminary Major Subdivision /
"C" Variance
Application #08:004
Carried from 7/27/09

Riya Earth Parsippany, LLC

Block: 412 Lot: 8
240 Littleton Road
Concept Plan
Application # 09:510
No Further Notice
Postponed from 7/27/09
No further notice.

**NYSMSA Ltd. Partnership
Verizon**

Block: 412 Lot: 2
1055 Parsippany Blvd.
Minor Site Plan /
"C" Variance
Application # 09:504 / 09:2

Discussion

Draft -
Highlands Master Plan Element

Closed Session

Forge Pond Developers

Adjournment:

Motion by:

Seconded by:

To adjourn meeting @:

Affidavit of Publication

Publisher's Fee \$10.26 Affidavit \$35.00

State of New Jersey } SS.

Morris County

Dayna Carlo

Personally appeared _____

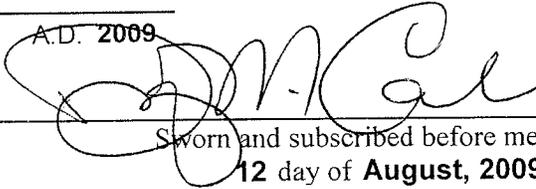
Of the **Daily Record**, a newspaper printed in Secaucus, New Jersey and published in Parsippany, in said County and State, and of general circulation in said county, who being duly sworn, deposeth and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

8/12/09

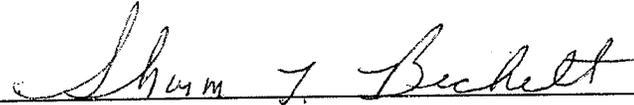
SHARON L. BECKETT

NOTARY PUBLIC OF NEW JERSEY

MY COMMISSION EXPIRES APRIL 14, 2010

A.D. 2009


Sworn and subscribed before me, this
12 day of August, 2009



Notary Public of New Jersey

TWP OF PARSIPPANY-TROY HILLS

**PLANNING BOARD
LEGAL NOTICE**

PLEASE TAKE NOTICE THAT: This Public Notice is hereby given to all persons that a public discussion and input on the Highlands Master Plan and Conformance will be held at the regularly scheduled meeting of the Parsippany-Troy Hills Planning Board on **August 24th, 2009 @ 7:30 P.M. as time permits** in the Council Chambers of the Township of Parsippany-Troy Hills, 1001 Parsippany Blvd. and on **September 14th, 2009 @ 7:30 P.M.**
Kaushik (Casey) P. Parkh, Chairman
Margaret Mader, Secretary
(\$10.26) 007345

**MINUTES OF THE PARSIPPANY – TROY HILLS
PLANNING BOARD –WORKSHOP MEETING
MONDAY SEPTEMBER 14, 2009**

Chairman Parikh called the Planning Board Meeting of Monday, 2008 to order at 7:05 PM.

Members Present: Ms. Baldwin, Mr. Corcoran, Dr. Elbin , Mr. Keller, Mr. Purzycki, Chairman Parikh.

Also Present: Anne Marie Rizzuto, Planning Board Attorney
 Edward Snieckus, Burgis Associates
 Michael Pucilowski, Township Engineer

Absent:

Announcement is made that adequate notice of this meeting has been given, that it is being conducted in accordance with N. J. S. A. 10:4-6 et seq. of the New Jersey “Open Public Meetings Act”.

The meeting was opened to the public on anything not on the agenda. There was no one in the public wishing to speak.

The application for Riya Earth, Application # 09:510 is carried to October 19, 2009 at the request of the applicant. There will be no further notice.

The other matter on the agenda is a discussion of the Highlands Element of the Master Plan. Mr. Snieckus prepared the report. He said what he has is a raft of the Highlands Master Plan. He had reviewed the elements with the Master Plan. The draft was prepared in conformance with the review they are conducting within the confines of the Highlands Regional Master Plan.

If the Township opts in to conformance with the Highlands Master Plan this draft would be required, There are benefits of opting in which include looking on the projected growth of the community and the impact on affordable housing and additional infrastructure construction.

Burgis Associates have taken the draft document produced by the Highlands and customized it to Parsippany. It will stay as a draft document, and is presented for discussion tonight.

Chairman Parikh asked for a brief introduction of what is in the report. The Township has not decided whether to opt in or not. Since we are in a planning area we can opt in anytime. The issue of affordable housing is the one we have to address by December 8, 2009. That date has been revised to June 8, 2010. Mr.

Snieckus said what they are doing is preparing a housing plan that will conform to the Highlands plan for submission to COAH. That is something that will come to the Board in the future.

The Highlands Plan is Module 5 in the review. The Highlands element provides a series of goals and objectives consistent with the environmental concerns of the Highlands Regional Master Plan. Their major concern is water. They adopted the plan in 2008.

Module One was an analysis of the land in the Township and we had to confirm their survey. The sewer service was also reviewed. Our GIS data base is now in line with the Highlands.

There are eight planning area goals geared towards the environment addressed in the Master Plan and will guide the land use and development of the Township. There are specific goals for various regions defined in the Highlands Regional Master Plan including Forest resources, open waters and riparian areas, steep slopes, which we currently address, lake management for areas surrounding lakes over 10 acres, critical habitat, water resource availability including looking at water deficit areas, ground water recharge areas, water quality and wellhead protection. He noted that the restrictions in the Highlands are more strict than ours so that is a factor to weigh in opting in to the Highlands Plan.

The Highlands plan also addresses where economic development should be planned in land use capability zones. There are some protection zones like Troy Meadows and. There are also existing community zones which is like a developed condition with sub-zones called environmentally constrained zones where there are areas to be preserved like steep slopes, flood plains and wetlands and contiguous forested areas. This type of area is identified and explained in the Master Plan highlands Element draft.

There are also recommended densities in specific zones so it can be seen how that impacts our zoning. It talks about Prime Groundwater Recharge areas in the community where new development would include drainage elements to get more run off into the ground required. This section touches on TDR (Transfer Development Rights) where there is a transfer of development rights within the Highlands region. Right now it is a volunteer program to accept the rights from other locations within the region. We would be concerned about how much control the Township would have on such development if we accepted it. It may be volunteer now but whether that would change no one knows.

Mr. Snieckus said he has heard that even if you opt in to the Highlands you could later opt out. One question would be all of the funds made available for the planning efforts and bringing your plan into conformance may have to be paid back to the Highlands. The studies done now are not subject to that but all of the work and studies that have to be done once you opt in could be recalled. The

option does exist because we are a planning area not a protection area where compliance is required.

There was a question about the Lake Management areas and what the impact could be on all of our lake communities. Would it mean restrictions on those highly developed areas. Mr. Snieckus said additional controls to preserve the quality of the areas, not only water quality but aesthetics could be considered.

Ms. Rizzuto said this is not really aimed at single home development or homes but larger scale development. There are a series of exemptions that are available and someone with a plan could get an exemption from the Highlands or have to get their approval. On page 95, Appendix D has a list of those extensions and waivers.

Ms. Baldwin asked about TDR and if it will stay optional or if it may become required. Can we say to the Highlands but we have no land left for these rights to go. Mr. Snieckus said the rights might not be all residential so a commercial area not fully developed could be intensified. Ms. Baldwin asked if it could mean demos of existing development and higher structures coming in. That could be subject to the available resources question.

Ms. Rizzuto suggested that residential could in fact be a problem here but we may be considered for commercial development. Mr. Keller said it may suggest eminent domain issues too and would we be in control of the process. Ms. Rizzuto said legally the only entity that can exercise eminent domain is the municipality or the state, not the Highlands. She added there would have to be a benefit to the municipality to accept the rights, we just don't know.

Chairman Parikh asked if you have to opt in to the Highlands to be a TDR receiving municipality. Mr. Snieckus said he would check, but he thought you did have to adopt the Highlands plan. Casey also asked if we should consider some of the elements of the Highlands Plan even if we don't opt in. Mr. Snieckus agreed and when we do the Master Plan review we should look at some of the environmental issues like larger buffers to streams. He said some of these items do make a lot of sense.

Mr. Snieckus said he is still refining the effect of opting in to the Highlands on our COAH obligation. They are still two separate agencies but COAH has to respect the Highlands mandate. If we do not opt in we have to have good reasons to lower the number of COAH units from the 1700 (at a max of 1000 units) . With the Highlands the obligation looks to be about 300 units, which is still a lot of units.

Ms. Rizzuto asked if Mr. Snieckus has reported back to the Council yet. He said he had only done preliminary discussions with them, so Ms. Rizzuto suggested that he send them at least a memo that the date for opting in has changed and

what he has done so far. Also the documents are available for review in the Planning Board office.

Ms. Rizzuto reminded everyone that these documents are still draft only. Chairman Parikh suggested that copies of this element be given to the Environmental Advisory Committee so Ms. Elbin who is on the committee will do that. Comments back will be by the October 19 meeting.

Mr. Snieckus said this public meeting which was noticed satisfies that requirement. The next step is the Housing Element which is due in November. After that will be ordinances.

There were no further questions from the Board. From the public Annelise Catanzaro, 86 Morris Ave., Mt. Tabor asked about becoming a receiving zone we may be required to build up or out to accommodate building rights transferred, if the Council passed an ordinance regarding height of buildings would being a receiving zone supersede those local ordinances?

Mr. Snieckus pointed out again that as of right now it is optional to receive TDRs. He said the town would have the ability to rezone for the development so the town could control. All of the preceding discussion was speculative at this point.

Mr. Keller clarified that as of right now a town could opt in to the Highlands but not be a receiving zone for TDRs and Mr. Snieckus said yes that was true right now. Mr. Keller also asked how you could zone for a project for a TDR and not have it be spot zoning. Mr. Snieckus said it could be looked at as a redevelopment zone but you have to be careful.

There were no further questions. The meeting was adjourned at 8:05 PM.

WORKSHOP MEETING OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS PLANNING BOARD
MONDAY SEPTEMBER 14, 2009 @ 7:00 P.M.

Members Present: Ms. Baldwin, Ms. Bronfman, Mr. Burns, Mr. Corcoran,
Dr. Elbin, Mr. Dinsmore, Councilwoman Grossi,
Mr. Keller, Mayor Luther, Mr. Purzycki, Chairman Parikh

Also Present: Gordon Meth, The RBA Group, Engineer
Edward Snieckus, Burgis Associates, Planner
Anne Marie Rizzuto Esq., Planning Board Attorney

Absent:

Announcement is made that adequate notice of this meeting has been given that it is being conducted in accordance with N.J.S.A. 10:4-6 et seq. of the New Jersey "Open Public Meetings Act".

The meeting is opened to the General Public.

Agenda:

Riya Earth Parsippany, LLC

Block: 412 Lot: 8
240 Littleton Road
Concept Plan
Application # 09:510
Postponed from 8/24/09
No further notice.

Discussion

Draft -
Highlands Master Plan Element

Adjournment:

Motion by: Seconded by: To adjourn meeting @: