



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 Rockaway, Morris County
Highlands Plan Conformance
Cover Sheet – Record of Public Involvement**

1. Copy of Public Meeting Notice for Draft Highlands Element for Township Master Plan and Affidavit from The Citizen of Morris County that notice was published on July 29, 2009.
2. Legal Notice for Draft Highlands Element for Township Master Plan sent to The Citizen of Morris County.
3. Rockaway Township Planning Board Agenda for August 17, 2009 (public meeting for Module 5).
4. Memorandum to Township Planning Board from Phyllis Hantman, Land Use Administrator, re: Board Schedule and Status List – Revised.
5. Minutes from August 17, 2009 Township Planning Board meeting (public meeting for Module 5).
6. Rockaway Township Council Meeting Agenda for October 6, 2009.
7. Minutes from October 6, 2009 Township of Rockaway Council Meeting.
8. Resolution to “Opt-In” to the Highlands Regional Master Plan for the Planning Area in Township of Rockaway, dated October 6, 2009.
9. Rockaway Township Council Meeting Agenda for November 4, 2009.
10. Minutes from November 4, 2009 Township of Rockaway Council Meeting.

Affidavit from
The Citizen
Of Morris County

STATE OF NEW JERSEY }
COUNTY OF MORRIS } ss.:

Wendy A. Sullivan, being duly sworn according to law on her oath, deposes and says that she is a clerk employed in the office of THE CITIZEN OF MORRIS COUNTY, a newspaper which is published in Denville, in the County of Morris, and that the notice of which the annexed is a true copy, was published in said CITIZEN OF MORRIS COUNTY newspaper on:

1 JUL 29 2009

Wendy A. Sullivan

Wendy A. Sullivan

Sworn to and subscribed before me this

day of JUL 29 2009

Diane Howard

Diane Howard
Notary Public
New Jersey
My Commission Expires April 23, 2014

Rockaway Township
NOTICE OF PLANNING BOARD
DRAFT HIGHLANDS ELEMENT FOR TOWNSHIP MASTER PLAN
At their public meeting on August 17, 2009, the Rockaway Township Planning Board agenda will include discussion of the Draft Model Highlands Master Plan Element. This document is Module 5 of the Highlands Plan Conformance process.
No action will be taken by the Board at this time. This matter will be listed for discussion only.
All documents related to the regular public hearings listed on the Board agenda for August 17, 2009 and all other regular Board business may be reviewed by the public at the Office of Planning and Development, 65 Mt. Hope Rd. Rockaway, between 9:00 a.m. and 5:00 p.m. Monday through Friday.
Phyllis T. Haninan
Land Use Administrator
07/29/09
P.R. \$12.00

Legal Notice
Rockaway Township Planning Board
Draft Highlands Element for Township Master Plan

July 21, 2009

At their public meeting on August 17, 2009, the Rockaway Township Planning Board agenda will include discussion of the Draft Model Highlands Master Plan Element. This document is Module 5 in the Highlands Plan Conformance process.

No action will be taken by the Board at this time. This matter will be listed for discussion only.

All documents related to the regular public hearings listed on the Board agenda for August 17, 2009 and all other regular Board business may be reviewed by the public at the Office of Planning and Development, 65 Mt. Hope Rd., Rockaway, between 9:00 a.m. and 5:00 p.m. Monday through Friday.

Phyllis T. Hantman, Land Use Administrator

Phyllis T. Hantman, Land Use Administrator

7/21/2009 12/21/2009 2:20:25 PM

Planning Board Agenda

1. Call to Order: Notice of this meeting was provided to the Citizen and Daily Record on January 13, 2009 and to the Citizen on July 21, 2009. Notice to the newspapers was by FAX.
2. Attendance:
Mayor Sceusi
Capt. Brennan
Mr. DiMaria
Mrs. Keegan (Vice-chair.)
Mr. Santoro
Mr. Barilla
Mr. Washington (Sec.)
Mr. Chovanec
Chairman Dicker

Alternates:
Mr. Quinn – Mayor's Alternate
Mr. Kickham - Alternate 1
Mr. Elko – Alternate 2
Engineer: Mr. Lutz
Planner: Burgis Associates
Counsel: Mr. Dimin
Recording Secretary: Mrs. Lyasko
3. Approval of Minutes
4. Correspondence
5. Open to the Public
6. Regular Order of Business
 - a. Resolutions
 - b. Committee Reports
 - c. Other Matters
7. Public Hearings
 - a. Inspector and Salny – adjourned to 9/21/09 at request of applicant; revising plans
 - b. Shah/Midtown Liquor Waiver Request
 - c. American Legion Post 344 Minor Site Plan "C"s
 - d. Draft Model Highlands Master Plan Element – discussion
8. Old Business
9. New Business
10. Adjourn

Subcommittees:

Minor Subdivision
Washington
Keegan
Brennan

Tenancy
Santoro
Barilla
Chovanec

Minor Site Plan
Washington
Keegan
Kickham

MEMORANDUM
ROCKAWAY TOWNSHIP PLANNING DIVISION

To: Planning Board
From: Phyllis Hantman
Date: July 13, 2009
Re: Board Schedule and Status List- revised

2009

Notice was published revising the Board calendar.

8/17

Discussion of Draft Model Highlands Element for Master Plan (notice published)
Shah/ Midtown Liquor Minor Site Plan (signs)
American Legion Hall Minor Site Plan (sign)
Inspector and Salny- adjourn to 9/21 per applicants' attorney; sending courtesy notice to neighbors to advise of change
Resolutions for Wal-Mart and Oakside Farm Preliminary and Final Site Plan- all Board members except Mayor Sceusi and Mr. Quinn may vote

9/21

Inspector and Salny- to be first on agenda
Tiffany's – applicant is meeting with DOT and County to revise plans

10/19

11/16

12/21

New Applications:

- 2134 General Plumbing Supply Site Plan –was incomplete, revising plans
- 2151 C and C Salvage Site Plan- under review; cited for violations on site-
schedule
- 2165 MetroPCS, LLC Site Plan and Conditional Use- under review

DB
Dep
8/17/09

**TOWNSHIP OF ROCKAWAY
PLANNING BOARD**

**MINUTES FOR REGULAR PUBLIC MEETING
AUGUST 17, 2009**

This regular meeting of the Rockaway Township Planning Board was called to order by Chairman Mort Dicker at 8:00 p.m., in the Council Meeting Room of the Rockaway Township Municipal Building, 65 Mt. Hope Road, Rockaway Township, New Jersey.

Announcement was made that this meeting was being held pursuant to the New Jersey Open Public Meetings Act, that notice had been properly posted and filed with the Municipal Clerk of the Township of Rockaway, mailed to all those persons requesting notification, and provided in writing to the Citizen and Daily Record by fax on 1/13/09.

ATTENDANCE: Present: Mr. Elko, Mr. Kickham, Mr. Barilla, Capt. Brennan, Mrs. Keegan, Mr. DiMaria, Mayor Steusi and Chairman Dicker. Mr. Chovenac, Mr. Santoro, Mr. Washington, Mr. Burgis and Mr. Quinn were absent. Also present were Mr. Kain (for Mr. Burgis), Mr. Lutz, and Mr. Dimin.

APPROVAL OF MINUTES: Chairman Dicker reviewed the minutes of 7/20/09. Mrs. Keegan moved the minutes, seconded by Capt. Brennan, with unanimous approval.

CORRESPONDENCE: Chairman Dicker reviewed the correspondence other than that in the Board mail, which included a report from Burgis Associates regarding the American Legion application. Also included was a communication from Mr. Lutz to Ms. Berger (**Christ Church**), regarding the progress of the developer's agreement.

OTHER MATTERS: Chairman Dicker noted that the **Inspector/Salny** application was being carried to the 9/21/09 meeting, at the request of the applicants.

RESOLUTION: Chairman Dicker moved the resolutions for Oakeside Farm, Wal-Mart and Escrow Accounts to the end of the meeting.

PUBLIC HEARING: Shah/Midtown Liquor Waiver Request (Block 21501/Lot 1). Allen Hantman, attorney for the applicant, referred to Burgis Associates' memorandum regarding site plan details. He explained that the applicable site plan had recently been reviewed as a result of the LaRoy application. Everything that is being proposed is in the inside of the building, including neon window signs. He said he was trying not to spend money unnecessarily on behalf of his client.

Mr. Burgis questioned the use of the second floor. Mr. Hantman said that nothing would be modified there, and Mr. Dimin asked why they didn't come in for tenancy, if that were the case. Mr. Hantman replied that he felt that separating the tenancy from the site plan would still require the same request for waivers. Mr. Dimin informed the Board that he would not recommend granting the waiver for signage. Mr. Hantman replied that he was not asking for a waiver on signage. Mr. Dimin pointed out that Mr. Burgis' concerns had to do with the fact that the site plan was not updated.

Mr. Hantman explained their request for "standard liquor store signage", describing that as neon signs in the store windows. Chairman Dicker pointed out that neon signs in windows doesn't require a waiver... it is prohibited. Mr. Hantman replied that they were asking for a variance for signage; the waiver was for the items on the site plan that were not updated.

He noted that the Highlands objectives had been adjusted down from a high of 531 units to closer to 63. Mayor Sceusi said that he had just learned that this number had been reduced yet again, but Mr. Kain was unaware of the change. Mr. Kain would check on this. After discussing items such as conservation areas, Mr. Dimin suggested that the discussion was complete, unless there were without further questions.

Chairman Dicker asked if the module review was permanent yet. Mr. Kain replied that everything is in "draft" and they are making sure that nothing is "too outrageous".

Resolution for Payment for Professional Services from Escrow Accounts. Mr. Dimin read the list of escrow vouchers. Mr. DiMaria made a motion to approve the resolution as submitted, seconded by Mayor Sceusi, with unanimous approval of the Board.

RESOLUTION: Oakeside Farm Preliminary & Final Site Plan. Mr. Dimin reviewed the resolution that memorialized the vote on 7/21/09. Of the voting members in attendance, approval was unanimous.

RESOLUTION: Wal-Mart Site Plan. Mr. Dimin reviewed the resolution that memorialized the vote on 7/21/09. Of the voting members in attendance, approval was unanimous.

A motion to adjourn the public meeting was made by Mr. DiMaria at 8:30 pm and seconded by Mayor Sceusi, with unanimous approval. The next regular meeting of the Board will be held at 8:00 pm, on 9/21/09.

Respectfully submitted,


Joyce M. Lyasko, Recorder

Mr. Dimin instructed Mr. Hantman that, if they were looking for a variance for the signage, the site plans that were submitted (i.e., hand drawings, etc.) were insufficient. Mr. Hantman again said that he was trying to save money for the applicant by re-using Mr. LaRoy's plans. Mr. Dimin recommended that they bifurcate the application, returning for tenancy review by the subcommittee, and then, on a separate night, return for the signage application, prepared to address Item #13 in Mr. Burgis' memo. Mr. Hantman replied that they would request a C-2 variance for the window signs, and Chairman Dicker again reminded him that they are prohibited.

Mr. Hantman asked if he would still need the waivers. Mr. Dimin said that, if he provided the information that Mr. Burgis requested, he would get the waivers to which Mr. Burgis currently objected. Mr. Hantman was instructed to send a letter to bifurcate the application into a tenancy subcommittee hearing and a site plan review before the Board.

PUBLIC HEARING: American Legion Post 344 Minor Site Plan. Allen Hantman, attorney for the applicant, described their application as a modification to an existing sign. He noted that, after consultation with Mr. Lutz, they would be moving the sign (boards) apart by 8 inches to improve the visibility through it. They would also move the location of the sign slightly, to make it closer to the property and in better proximity of people passing by.

Chairman Dicker asked if the message board part of the sign would have papers stuck up. Mr. Hantman introduced George Riedel, SAL Commander of the American Legion Post 344, who was involved in the design of the proposed sign. Mr. Riedel explained that the message board would consist of slide-in messages, rather than papers tacked up. Mr. Dimin asked Mr. Riedel if he agreed with the changes reviewed at the meeting and with Mr. Hantman's comments; he said that he did.

Mr. Kain said that Burgis Associates had no problem with the proposed changes.

PUBLIC QUESTIONS: Mary Iverson, 177 Chestnut Terrace, voiced her concern with the sign possibly blocking the view of drivers approaching from Legion Court. She asked if anyone had made a site visit. Mr. Lutz said that he had and he didn't feel that the new sign would impact visibility. Mr. Dimin agreed.

Mr. DiMaria made a motion to close the public hearing, seconded by Capt. Brennan. Mr. DiMaria then made a motion to approve the application, seconded by Capt. Brennan. Roll call: Mr. Elko, yes; Mr. Kickham, yes; Mr. Barilla, yes; Capt. Brennan, yes; Mrs. Keegan, yes; Mr. DiMaria, yes; and Chairman Dicker, yes. Mayor Sceusi abstained to vote because he helped design the sign.

OTHER MATTER: Draft Model Highlands Master Plan Element - Module 5. Mr. Kain from Burgis Associates, reviewed Module 5 of 7, noting that the modules were not requested in order, and Modules 1, 2 and 4 were already reviewed. Module 3 is COAH related and the deadline has been extended until the spring of 2010.

Mr. Kickham asked if this was a public hearing. Chairman Dicker noted that the discussion was published (as per the law), but apparently no one chose to attend. Mr. Kain went on to explain that the reviewed were designed to explain the goals and objectives of the plan.

**TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
OCTOBER 6, 2009
8:00 P.M.**

AGENDA

- I. CALL TO ORDER**

- II. FLAG SALUTE**

- III. ROLL CALL**

- IV. THE DAILY RECORD, CITIZEN OF MORRIS COUNTY AND THE STAR LEDGER WERE INFORMED OF THIS MEETING, IN WRITING, ON JANUARY 14, 2009. THIS MEETING WAS ADVERTISED IN THE CITIZEN, OFFICIAL NEWSPAPER FOR THE TOWNSHIP OF ROCKAWAY, ON JANUARY 14, 2009.**

- V. MOMENT OF SILENCE FOR THE COALITION FORCES OVERSEAS**

VI. PROCLAMATION:

HONORING BILL WINGREN FOR 22 YEARS OF
COACHING FOR THE ROCKAWAY TOWNSHIP
BASEBALL PROGRAM

VII. APPROVAL OF MINUTES:

AUGUST 4, 2009 - COUNCIL MEETING

VIII. ORDINANCE TO ADOPT:

NONE

PUBLIC HEARING

***** OPEN TO THE PUBLIC *****

IX. ORDINANCES TO INTRODUCE:

- A. (ORD. 09-17) AN ORDINANCE SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY, CHAPTER XVII, PARKS AND RECREATIONAL FACILITIES, SECTION 17-1, REGULATIONS FOR THE USE OF PARKS AND RECREATIONAL FACILITIES, SUBSECTION 17-1.1, PROHIBITED ACTS, PARAGRAPH A, TO ADD SUBPARAGRAPH 48 PROHIBITING SMOKING EXCEPT IN PARKING AREAS

CONSENT AGENDA

X. RESOLUTIONS:

- A. (R09-123) RESOLUTION AUTHORIZING THE INSERTION OF AN ITEM OF REVENUE IN THE 2009 BUDGET FOR ADDITIONAL FUNDING FOR OVER THE LIMIT UNDER ARREST STATEWIDE CRACKDOWN

- B. (R09-124) RESOLUTION OF THE TOWNSHIP OF ROCKAWAY, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A TAX SALE PURSUANT TO N.J.S.A. 54:5-19

- C. (R09-125) RESOLUTION RE REDEMPTION TAX TITLE LIEN #08-007 BLOCK 10712, LOT 4 KNOWN AS 155 LINCOLN AVENUE

- D. (R09-126) RESOLUTION RE REDEMPTION TAX TITLE LIEN #08-017 BLOCK 11015, LOT 23 KNOWN AS 20 POWDERHORN DRIVE

- E. (R09-127) RESOLUTION RE REDEMPTION TAX TITLE LIEN #08-019 BLOCK 11103, LOT 8 KNOWN AS 22 FLEETWOOD DRIVE

- F. (R09-128) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#07-009 BLOCK 11116, LOT 39.113 KNOWN AS 113
HAWTHORNE COURT
- G. (R09-129) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#08-026 BLOCK 11402, LOT 4 KNOWN AS 22 RICHARD
MINE ROAD
- H. (R09-130) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#08-036 BLOCK 21003, LOT 13 KNOWN AS 39 CHEROKEE
AVENUE
- I. (R09-134) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#05-002 BLOCK 10402, LOT 39 KNOWN AS 308 DANIEL
STREET
- J. (R09-135) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#07-015 BLOCK 20802, LOT 12 KNOWN AS 70 MIAMI TRAIL
- K. (R09-136) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#08-008 BLOCK 10718, LOT 1 KNOWN AS 18 BLAKELY
AVENUE

L. (R09-137) RESOLUTION CALLING UPON THE STATE LEGISLATURE TO ADDRESS THE INEQUITY IN THE COURT DECISION OF HOMES OF HOPE V. TOWNSHIP OF EASTAMPTON

M. (R09-138) RESOLUTION AUTHORIZING THE ADOPTION OF AN IDENTITY THEFT PREVENTION POLICY FOR THE TOWNSHIP OF ROCKAWAY

N. (R09-139) A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ROCKAWAY PETITIONING PRESIDENT BARACK OBAMA AND THE UNITED STATES CONGRESS TO PRESERVE HEALTH CARE COVERAGE FOR OUR OLDER AMERICANS AND VETERANS AND TO FORMULATE A HEALTH INSURANCE REFORM PACKAGE THAT PROVIDES ALL OTHER AMERICANS WITH THE PRIVILEGE OF SELECTING A HEALTH INSURANCE PLAN THAT BEST SUITS THEIR NEEDS

Added

O. (R09-140) Resolution to "Opt-IN" TO THE HIGHLANDS REGIONAL MASTER PLAN FOR THE PLANNING AREA IN THE
*** END OF CONSENT AGENDA ***
TOWNSHIP OF ROCKAWAY, COUNTY OF MORRIS,
STATE OF NEW JERSEY

XI. FIREFIGHTERS:

LENNY J. HERNANDEZ - COMPANY #4

XII. JUNIOR FIREMEN'S AUXILIARY:

LEANNA MARIE PARANTO - COMPANY #2

XIII. RAFFLES:

NONE

XIV. REPORTS:

COUNCIL - COMMITTEES
MAYOR
ADMINISTRATOR
ENGINEER
ATTORNEY

Added:

Closed Session: Contract Negotiations

XV. ADJOURN

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
OCTOBER 6, 2009

DRAFT

The Township Council of the Township of Rockaway held their Regular Meeting at 8:00 p.m. in the Municipal Building, 65 Mt. Hope Road, Rockaway Township, County of Morris, State of New Jersey.

President Dachisen called the Meeting to Order.

The Officials and Members of the Public joined in Pledging Allegiance to the Flag of the United States of America.

PRESENT:

Mr. Minenna, Mr. DiMaria, Mr. Rogers, Dr. Gellman, Mr. Quinn,
Mr. Berman, Mr. Press, Mr. Antonelli, President Dachisen.

PRESENT FROM ADMINISTRATION:

Mayor Sceusi, Mr. Euzak , Mr. Poff, Mr. Lutz, Mrs. Palmieri, Police
Chief Ardin.

The Daily Record, Citizen of Morris County and the Star Ledger were informed of this Meeting, in writing, on January 14, 2009. This Meeting was advertised in The Citizen, Official Newspaper for the Township of Rockaway, on January 14, 2009.

President Dachisen called for a Moment of Silence for our Coalition Forces Overseas.

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
OCTOBER 6, 2009

DRAFT

**CONSENT AGENDA
RESOLUTIONS:**

Mr. DiMaria made a Motion to Adopt **Resolution A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, Firefighters and Jr. Firefighters** entitled:

- A. (R09-123) RESOLUTION AUTHORIZING THE INSERTION OF AN ITEM OF REVENUE IN THE 2009 BUDGET FOR ADDITIONAL FUNDING FOR OVER THE LIMIT UNDER ARREST STATEWIDE CRACKDOWN
- B. (R09-124) RESOLUTION OF THE TOWNSHIP OF ROCKAWAY COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A TAX SALE PURSUANT TO N.J.S.A. 54:5-19
- C. (R09-125) RESOLUTION RE REDEMPTION TAX TITLE LIEN #08-007 BLOCK 10712, LOT 4 KNOWN AS 155 LINCOLN AVENUE
- D. (R09-126) RESOLUTION RE REDEMPTION TAX TITLE LIEN #08-017 BLOCK 11015, LOT 23 KNOWN AS 20 POWDERHORN DRIVE
- E. (R09-127) RESOLUTION RE REDEMPTION TAX TITLE LIEN #08-019 BLOCK 11103, LOTS KNOWN AS 22 FLEETWOOD DRIVE
- F. (R09-128) RESOLUTION RE REDEMPTION TAX TITLE LIEN #07-009 BLOCK 11116, LOT 39.113 KNOWN AS 113 HAWTHORNE COURT

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
OCTOBER 6, 2009

DRAFT

- G. (R09-129) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#08-026 BLOCK 11402, LOT 4 KNOWN AS 22 RICHARD
MINE ROAD

- H. (R09-130) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#08-036 BLOCK 21003, LOT 13 KNOWN AS 39 CHEROKEE
AVENUE

- I. (R09-134) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#05-002 BLOCK 10402, LOT 39 KNOWN AS 308 DANIEL
STREET

- J. (R09-135) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#07-015, BLOCK 20802, LOT 12 KNOWN AS 70 MIAMI TRAIL

- K. (R09-136) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#08-008 BLOCK 10718, LOT 1 KNOWN AS 18 BLAKELY
AVENUE

- L. (R09-137) RESOLUTION CALLING UPON THE STATE
LEGISLATURE TO ADDRESS THE INEQUITY IN THE COURT
DECISION OF HOMES OF HOPE V. TOWNSHIP OF
EASTAMPTON

- M. (R09-138) RESOLUTION AUTHORIZING THE ADOPTION OF
AN IDENTITY THEFT PREVENTION POLICY FOR THE
TOWNSHIP OF ROCKAWAY

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
OCTOBER 6, 2009

DRAFT

- N. (R09-139) A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF ROCKAWAY PETITIONING PRESIDENT BARACK OBAMA AND THE UNITED STATES CONGRESS TO PRESERVE HEALTH CARE COVERAGE FOR OUR OLDER AMERICANS AND VETERANS AND TO FORMULATE A HEALTH INSURANCE REFORM PACKAGE THAT PROVIDES ALL OTHER AMERICANS WITH THE PRIVILEGE OF SELECTING A HEALTH INSURANCE PLAN THAT BEST SUITS THEIR NEEDS

President Dachisen explained that Mr. Buzak would read into the record an added Resolution.

- O. (R09-140) RESOLUTION TO "OPT-IN" TO THE HIGHLANDS REGIONAL MASTER PLAN FOR THE PLANNING AREA IN THE TOWNSHIP OF ROCKAWAY, COUNTY OF MORRIS, STATE OF NEW JERSEY

There was no Council discussion.

*** * * END OF CONSENT AGENDA * * ***

FIREFIGHTERS:

LENNY J. HERNANDEZ – COMPANY #4

JUNIOR FIREMEN'S AUXILIARY:

LEANNA MARIE PARANTO – COMPANY #2

RAFFLES:

NONE

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
OCTOBER 6, 2009

DRAFT

Dr. Gellman seconded the Motion.

ROLL CALL:

Mr. Minenna, Yes; Mr. DiMaria, Yes; Mr. Rogers, Yes; Dr. Gellman,
Yes; Mr. Quinn, Yes; Mr. Berman, Yes; Mr. Press, Yes; Mr. Antonelli,
Yes; President Dachisen, Yes.

* * *

(R09-140)

**RESOLUTION TO "OPT-IN" TO THE
HIGHLANDS REGIONAL MASTER PLAN
FOR THE PLANNING AREA IN THE
TOWNSHIP OF ROCKAWAY, COUNTY OF MORRIS,
STATE OF NEW JERSEY**

WHEREAS, pursuant to the Highlands Water Preservation & Planning Act ("Highlands Act"), N.J.S.A. 13:20-1 et seq. the Township of Rockaway ("Township" or "Rockaway") has previously adopted a Resolution giving notice of its intent to petition the Highlands Council for plan conformance with regard to all lands lying within the Preservation Area and within the Planning Area as designated in the Highlands Act; and

WHEREAS, the said Resolution made it clear in accordance with the Highlands Act and in accordance with the Highlands Council's Plan Conformance Guidelines, the notice of intent was not binding with respect to lands within the Planning Area; and

WHEREAS, the Township through its professional staff have proceeded through the investigatory process of completing various Modules for the purposes of ultimately determining whether to include all lands within the Planning Area in the Petition for Plan Conformance; and

WHEREAS, the Township, after consideration of the various options and consequences, has determined that it in the best interests of the Township and its

residents to "opt-in" all lands lying within the Planning Area to conform to the Highlands Regional Master Plan; and

WHEREAS, the Township desires to direct that all steps necessary to be taken to accomplish said objective be authorized.

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

1. The Township of Rockaway ("Township" or "Rockaway") hereby determines that it is in the best interests of the Township and its citizens to "opt-in" all lands lying within the Planning Area in the Township of Rockaway to conform to the Highlands Regional Master Plan ("RMP") in accordance with the Highlands Water Protection & Planning Act, N.J.S.A. 13:20-1 and the Guidelines adopted by the Highlands Council for Plan conformance.

2. The Mayor and Township Clerk, along with all other appropriate officials, professionals and employees of the Township are hereby authorized and directed to take any and all steps necessary to develop an appropriate Petition and all other necessary documentation not later than December 8, 2009 to formally notify the Highlands Council of the Township's decision to include all lands lying within the Planning Area in its Petition for Plan Conformance in accordance with all requirements of the Highlands Water Protection & Planning Act,

N.J.S.A. 13:20-1 et seq. and all regulations and guidance documents applicable.

2. This Resolution shall take effect immediately.

CERTIFICATION

I **HEREBY CERTIFY** the above to be a true copy of a Resolution adopted by the Township Council of the Township of Rockaway at a duly convened meeting held on October 6, 2009.



Mary C. Cilurso, Township Clerk

**TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009
8:00 P.M.**

AGENDA

- I. CALL TO ORDER**

- II. FLAG SALUTE**

- III. ROLL CALL**

- IV. THE DAILY RECORD, CITIZEN OF MORRIS COUNTY AND THE STAR LEDGER WERE INFORMED OF THIS MEETING, IN WRITING, ON JANUARY 14, 2009. THIS MEETING WAS ADVERTISED IN THE CITIZEN, OFFICIAL NEWSPAPER FOR THE TOWNSHIP OF ROCKAWAY, ON JANUARY 14, 2009.**

- V. MOMENT OF SILENCE FOR THE COALITION FORCES OVERSEAS**

VI. GUEST:

EILEEN SWAN, EXECUTIVE DIRECTOR OF THE NEW JERSEY
HIGHLANDS COUNCIL (COMMISSION)

VII. ORDINANCE TO ADOPT:

- A. (ORD. 09-17) AN ORDINANCE SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROCKAWAY, CHAPTER XVII, PARKS AND RECREATIONAL FACILITIES, SECTION 17-1, REGULATIONS FOR THE USE OF PARKS AND RECREATIONAL FACILITIES, SUBSECTION 17-1.1, PROHIBITED ACTS, PARAGRAPH A, TO ADD SUBPARAGRAPH 48 PROHIBITING SMOKING EXCEPT IN PARKING AREAS

PUBLIC HEARING

***** OPEN TO THE PUBLIC *****

VIII. ORDINANCES TO INTRODUCE:

- A. (ORD. 09-18) AN ORDINANCE FIXING THE SALARIES OF VARIOUS OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF ROCKAWAY IN THE COUNTY OF MORRIS

B. (ORD. 09-19) AN ORDINANCE FIXING THE SALARIES OF VARIOUS OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF ROCKAWAY IN THE COUNTY OF MORRIS (MORRIS COUNCIL VI)

CONSENT AGENDA

IX. RESOLUTIONS:

A. (R09-141) RESOLUTION RE REDEMPTION TAX TITLE LIEN #08-033 BLOCK 20701, LOT 52 KNOWN AS 58 W. LAKE SHORE DRIVE

B. (R09-142) TOWNSHIP OF ROCKAWAY'S SUBMISSION OF PETITION FOR PLAN CONFORMANCE TO THE HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL FOR LAND IN THE PRESERVATION AREA

C. (R09-143) TOWNSHIP OF ROCKAWAY'S INTENTION TO REVISE MASTER PLAN AND DEVELOPMENT REGULATIONS FOR PLAN CONFORMANCE FOR LAND IN THE PLANNING AREA

D. (R09-144) RESOLUTION AUTHORIZING AN AGREEMENT WITH MORRIS COUNCIL VI

E. (R09-145) RESOLUTION AUTHORIZING A VEHICLE SALE

F. (R09-146) RESOLUTION RE REDEMPTION TAX TITLE LIEN
#08-013 BLOCK 11007, LOT 14 KNOWN AS 69 FALLEN
TIMBERS TRAIL

G. (R09-147) RESOLUTION SUPPORTING THE OVER THE LIMIT
UNDER ARREST 2009 YEAR END STATEWIDE
CRACKDOWN

H. (R09-148) RESOLUTION AUTHORIZING THE TOWNSHIP'S
PARTICIPATION IN THE BUFFER ZONE PROTECTION
PROGRAM FOR CHARLOTTEBURG RESERVOIR

***** END OF CONSENT AGENDA *****

X. FIREFIGHTERS:

NONE

XI. JUNIOR FIREMEN'S AUXILIARY:

NONE

XII. RAFFLES:

NONE

XIII. REPORTS:

COUNCIL - COMMITTEES
MAYOR
ADMINISTRATOR
ENGINEER
ATTORNEY

XIV. CLOSED SESSION:

CONTRACT NEGOTIATIONS

XV. ADJOURN

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009

DRAFT

The Township Council of the Township of Rockaway held their Regular Meeting at 8:00 p.m. in the Municipal Building, 65 Mt. Hope Road, Rockaway Township, County of Morris, and State of New Jersey.

Dr. Gellman called the Meeting to Order.

The Officials and Members of the Public joined in Pledging Allegiance to the Flag of the United States of America.

PRESENT:

Mr. Minenna, Mr. DiMaria, Mr. Rogers, Dr. Gellman, Mr. Berman,
Mr. Press, Mr. Antonelli.

Mr. Quinn arrived after Roll Call.

ABSENT: President Dachisen.

PRESENT FROM ADMINISTRATION:

Mayor Sceusi, Mr. Buzak, Mr. Poff, Mr. Lutz, Mrs. Palmieri, Capt.
Brennan.

The Daily Record, Citizen of Morris County and the Star Ledger were informed of this Meeting, in writing, on January 14, 2009. This Meeting was advertised in The Citizen and the Daily Record, Official Newspapers for the Township of Rockaway, on January 14, 2009.

President Dachisen called for a Moment of Silence for our Coalition Forces overseas.

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009

DRAFT

GUEST:

**EILEEN SWAN, EXECUTIVE DIRECTOR
OF THE NEW JERSEY HIGHLANDS COUNCIL (COMMISSION)**

Ms. Swan introduced Tom Borden, from the Highlands Council, who is the Deputy Director and Chief Counsel to the Highlands Council. She thanked the Council for this evening's invitation as it is a great opportunity to discuss where they are in the planning process and the particular course of action for Rockaway Township.

She proceeded through a power point presentation, talking about the Federal Highlands Act, recognized by President Bush in 2004 as the Highlands Conservation Act, which sets aside lands for preservation in the four (4) State Highlands Region.

As to the Highlands Act itself, drafted in 2004, and the region designated in the New Jersey area as the Highlands Region, she pointed out the eighty eight (88) Municipalities which comprise the New Jersey Highlands Region. The land is then further divided to get the Preservation Area Land, which is the core area of the Highlands Region. It is mandatory that preservation must follow the Highlands Regional Master Plan. There are also strict Department of Environmental Protection (DEP) Highlands rules in this Preservation Area. The outlying area is the Planning Area. Here, conformance to the Highlands Regional Master Plan is voluntary and should a municipality choose to conform they do not take on Highlands DEP rules. Five (5) municipalities are entirely in the Preservation Area, thirty six (36) municipalities are entirely in the Planning Area and forty seven (47) municipalities are split between Preservation and Planning, which is where Rockaway Township is. The lines were drawn by the Legislators and the Highlands Council has no authority to change those lines.

One of the primary reasons for the importance of the Region, and why the Legislators decided to pass the Highlands Act, is that the region has many critical and natural resources. Primarily, however, it was for water resources. The Highlands Region is seventeen (17%) percent of the land base of the State of New Jersey. However, it provides water for over five point four million (5,400,000) residents who get some portion of their water from the Highlands Region. For this reason the Highlands Council has supported and continues to support a water user fee for those

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009

DRAFT

residents outside of the Region that draw their water from the Region. The reason for that is those monies could be brought back there to help in conservation. The other planned advantage is if you pay for something you value where it comes from.

The Act itself is designed to protect water resources of the region with most of the residents of the region relying on ground water and those outside the region relying on sources through reservoirs.

The Highlands Council was mandated to do a resource assessment and look at other issues, not just water, such as historic resources, open space, farmland and recreation. They were required to do an assessment of all these and then establish land use policies and maintain and enhance those resources. In order to do that the Highlands Council did a series of maps so they could determine sustainable future developments while protecting and enhancing those resources that they are required to protect.

One of the map series is the Land Use Capability Zone Map. There is the Protection Zone which is one of the three (3) primary zones which captures existing conditions on the ground and is very pristine land. The second primary zone is the Conservation Zone, which is mostly open lands. The final primary zone is Existing Community and it captures a level of development that is already in practice. An indicator there would be a level of impervious surface. Two other indicators that would often support that kind of development would be water infrastructure and sewer.

Those are the primary zones and then there are sub-zones. There are the federally preserved or state preserved lands which are a lot like management areas. There are environmentally constrained areas and even though they are open lands often there are water resources and slopes recognizing those constraints. The final sub-zone comprises lakes of ten (10) acres or greater, where the existing community is a thousand (1,000) foot around those lakes, a level of development has occurred and there are natural features which could be streams or little wooded areas.

They received many comments on the first draft release of the Highlands Regional Master Plan. In terms of Rockaway Township, there is the Preservation Area where conformance with the Regional Master Plan is mandatory and there is the Planning Area where it is up to the

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009

DRAFT

municipality as to what is done.

Looking at existing infrastructure the Highlands Council has been working with Rockaway Township professionals to clarify their information and they will be updating their maps accordingly. Likewise with sewage facilities. The map captured the impervious surface areas in existing community zones. Rockaway Township is in a couple of different watersheds, and you see the sub-watersheds which are smaller and which they look at from a planning perspective. It is important as you are considering the possibility of conformance in the Planning Area to understand that there are certain protections afforded and there are exemptions that are currently in place in the Preservation Area that will also fly in the Planning Area. For example, if a house is being built in a conforming town, any additions are subject to your local regulations but are exempt from the Highlands Act.

As to Open Space, this Township knows all about this as a phenomenal job has been done with Open Space Preservation. It is one of the priorities of the Highlands Council.

So where are we now in the process of what is Rockaway Township considering. The municipality is twenty nine thousand four hundred five (29,405) acres and it is split sixty one (61%) percent in the Preservation Area and the remaining thirty nine (39%) percent in the Planning Area. So conformance is mandatory for the Preservation Area and voluntary for the Planning Area. Rockaway Township submitted Notice of Intent to Conform, non-binding in the Planning Area, which very importantly allowed you to get the information to make an informed decision. Rockaway Township took that opportunity and was awarded a Grant to work with them while they consider Plan conformance in the Planning Area. Rockaway Township was awarded an additional settlement grant which gave a great indication of future Plans and the Plan that has been done. Rockaway Township cancelled conflicts and also what things are necessary for the Township to do in terms of planned conformance.

Importantly there is a date, December 8, 2009, by which Conforming Petitions are required to be submitted to the Highlands Council for the Preservation Area. Currently, seventy six (76) of the eighty eight (88) municipalities are working with the Highlands Council.

For Plan conformance for 2009, the first two steps are basically a

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009

DRAFT

buildout, the third one is a fair share plan and the fourth is an environmental resource inventory. The report was posted on their website on August 11th and is a wonderful tool for an Affordable Housing Plan and for Wastewater Planning and for redevelopment.

Tom Borden has been telling the municipality their actual obligation is one hundred forty seven (147) because it includes the exemptions they are entitled to because of some of that growth is associated with Affordable Housing.

Rockaway Township has submitted the ERI and the Highlands Master Plan. The one remaining thing is the Land Use Ordinance. None of these have to be Adopted by December 8th. There is a lot of time and work can be done subsequent to December 8th. Rockaway Township has been given the information for the Petition for Planned Conformance, the instructions are there. And, again just to reiterate Rockaway Township can submit a Resolution for the Planning Area which is non-binding if it wants to continue in the same way it has done the Notice of Intent. This is again just the process to show that it is not over then. December 8th is the Petition to submit. Within sixty (60) days the Highlands Council will work on completeness, if there are any issues they will address them. Then within forty five (45) to ninety (90) days the Highlands Council Staff will be doing a draft consistency. So they will be reviewing it. They will work again with Rockaway Township and its consultants before it gets sent to the Highlands Council for their consideration. They can approve, they can deny, they can approve with conditions. The benefits to conforming are very important because of Planning Grants.

The Highlands Council is going to push the Legislature and the Governor's office to consider an extension for land owners in the Highlands Region. The Highlands Council is very open, they have their Meetings in the open and they record all their Meeting and put them on the web-site. For land owners and people affected by this, there is an interactive map on the home page and a physical address can be put in or a block and lot, and all those layers of maps can be pulled up to see if you are in the Preservation Area or the Planning Area. This is their way of sharing with the Nation, to make sure people can see how we do things.

This brought her to the end of her presentation and she was more than willing to answer questions.

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009

DRAFT

Mr. Quinn said Rockaway Township has ball fields in the Planning and the Preservation Area. He was at a Meeting the other night and some of the programs want to turf those fields. Are they anywhere impacted by this program?

Mr. Borden said the rule is the difference between where the Preservation Area is and where the Planning Area is.

Mr. Quinn said Rockaway Township has both and they are talking about turfing both.

Mr. Borden said if you are already disturbed it depends in the Preservation Areas on what is underneath there. So there are often times because of the way the Statute is written stream areas and impervious areas are broadly defined, so they would have to take a look at the site themselves. But often times it depends on the way they are built. So what they could do as part of one of the long term planning aspects, the plan can actually do open space and recreation planning.

Mr. Quinn said they are currently working with the Department of Environmental Protection (DEP) on the golf course trying to get another ball field put in up there. And that is definitely within the Region.

Mr. Borden said what he would suggest is part of the initial assessment process was to identify the issues like that and the Highlands Council becomes a middle man to advance and do the right thing.

Pat Matarazzo, Chairman of the Rockaway Township Environmental Commission, said as to septic management, in the Preservation Area, to replace that septic with this nitrate standards that they are adopting, when they put that new system in does he need to make that a treatment facility, do we use the nitrate one, or just replace the existing section?

Mr. Borden said any existing hole, where the existing septic system was, you can replace a septic system and be fully exempt from the Act. However an existing homeowner can replace a failing system, coated driveway or some additions.

Mr. Matarazzo said so in other words if an individual has a failed

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009

DRAFT

septic system all they have to do is come back to their local Town, which would handle it. What would Rockaway Township then do? Write for an exemption? Would that be the process?

Mr. Borden said there is a process right now. The DEP handles all the exemptions in the Preservation Area.

Mr. Matarazzo asked if there was any idea how long the process will take through the DEP because he hates to see someone whose septic system has failed and has to wait three (3) years for the DEP to make a determination.

Mr. Borden said with that type of public health, the safety issue is something that should be expedited.

Mr. Matarazzo asked if the same thing would follow through for a well that failed on the same property.

Mr. Borden said anything relating to single family homes will be dealt with through Public Health.

Ms. Swan said the Highlands Council wants certain exemptions to be handed over to the municipality. They can do it in the Planning Area and will have to try to work with the DEP. They think it makes a lot of sense for their constituency going to them and not to Trenton. It will hopefully be less expensive and quicker.

Mr. Matarazzo stated so they need to push their Legislators to enact that.

Mr. Borden said it does not need to be changed. There is a regulation dealing with that.

Mr. Matarazzo said the other part of his question deals with the well. The Highlands Council standard is different than that of the Township.

Mr. Borden said anything related to a single family dwelling is going to be an exempt issue. You are replacing something that is existing.

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009

DRAFT

Mr. Matarazzo said maybe he is not being clear. The well standard is just now at ten (10) Micrograms. Is it going to change to two (2) Micrograms? Because all their wells test out at about one point two five (1.25).

Mr. Borden said the answer is no it is going to be an exempt activity altogether but he can double check to make sure.

Mr. Matarazzo explained in the Master Plan there is talk about the entire Green Pond Forest is now C1 waters, protected waters. In these regulations it says the Highlands Council has the right to come in and extend that three hundred (300) foot property for conditional protection. Does Rockaway Township have any say in that process?

Mr. Borden said that actually is designed to be a municipal decision. The Plan envisions if that the Town will want to have more stringent regulations than that they can if it is justified.

Mr. Matarazzo said as to real calculations and availability at Rockaway Valley Regional Sewage Authority, in our buildout analysis it says there is more gallonage allocated than actually exists, which means the number of houses that can be developed needs to be modified downward.

Mr. Borden said it is a tricky issue and he thinks they have at least part of it solved. The buildout analysis is based on projections to the system capacity. They used the best available information they had which means the buildout report it is not designed to be a partial buildout. Projects can move ahead on a project by project basis. So what the purpose of this is, it is a buildout based on best available information.

Mr. Matarazzo said the Highlands is going to have the final say on permits for the Planning and Zoning. If Rockaway Township does not agree with the decision is there an appeal process in place.

Mr. Borden said the Highlands Council does not want to be in the business of reviewing Municipal decisions. It is designed to assure that your land use decisions are made at local level. Yes they do have the authority to pull something out but it is limited. Should the Council disagree they can.

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009

DRAFT

Mr. Rogers asked if Rockaway Township chooses to join in with them and they find out it is not working six months or a year down the road, is there an avenue for Rockaway Township to get out? And what is it?

Mr. Borden said that is what they attempted to set up for this December because many towns are now in the position of trying to make a decision and some of the information they would like to have is not available. They want their professionals to give them more information. They anticipate a six (6) month period at least to go through and at the end of that period the Council would be presented with a final report saying here is Rockaway Township's final submissions and here are the conditions we recommend. There is a process when they actually do conform to the Highlands Act provisions that the Town would stay in conformance for a period until their Master Plan needs re-examination or until the Highlands Council changes the Plan. If the Highlands Council changes the Plan of the Township, the Township would have the ability to re-examine that changed Plan because the Plan they were in could always be altered.

Mr. Minenna asked if that applied to the Preservation Area as well or just the Planning Area?

Mr. Borden replied that applies to just the Planning Area.

Mr. Minenna said so once Rockaway Township is in the Highland it can never opt out of the Planning Area.

Mr. Borden said there is really no opting out of the Preservation Area. It is a separate entity. There always is the choice for the Planning Area, in terms of first whether you want to conform and then after you do conform, whether you want to opt out at a later date.

Mayor Sceusi said currently municipalities are not able to use RCAs. Mr. Borden spoke if we opt into the Plan that the Preservation Areas now would be able to use transfer rights. He was not familiar with those but are those similar to RCAs.

Mr. Borden said yes. What happened was the very day they adopted the plans RCAs were banned state-wide. However it has created

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009

DRAFT

a new process for transfers within the Regional Prime Areas. Within those regions municipalities can transfer. COAH just recently at the September meeting adopted a guidance document that basically says the old RCA numbers which they had in their rules are now able to be used.

Mr. Borden said the Highlands Council has asked municipalities for a December submission.

Mayor Sceusi asked if a municipality opts in and needs a new walkway or needs to repair a walkway, are they going to have to deal with the Highlands Council or the DEP?

Mr. Borden said no, it is an exempt activity, it is a broad exemption.

Mr. Minenna said hypothetically we have several family owned small farms in Rockaway Township. Assuming the family has a couple of children and in the past they would have subdivided to build a house on that property to give to their children. Will that still be allowed in Preservation Zones?

Mr. Borden said it will be dependent on if those lots were already created or not. What was created before will not be an issue. The DEP rules do not apply to agriculture. If it can be demonstrated that the additional use is related to that farm unit the DEP rules do not apply. The Highlands Council has a mandate to "agricultural use". The issue is where the agricultural use is converted to residential or other use.

Mr. Rogers said a resident owns a piece of property in the Planning Area that is big enough to be subdivided to create two (2) lots. How is that affected.

Mr. Borden said right now, because nothing is changed in the Planning Area, that property could be subdivided under existing Ordinances. Conformance will require the municipality to update their Master Plan and update their development Ordinances to be consistent in the Planning Area should the choose that.

Mayor Sceusi said they have one of the largest regional malls in the area. How will this affect that Mall?

TOWNSHIP OF ROCKAWAY
COUNCIL MEETING
NOVEMBER 4, 2009

DRAFT

Mr. Borden replied that Mall is in the existing community center. That is an area where they encourage additional growth assuming there is a capacity for it. The major issue of the Plan is looking into capacity. But they designate the existing community as areas where they are encouraging additional growth.

Dr. Gellman thanked their guests and said their presentation was marvelous and very informative.

* * *