



Newsletter #13 ~ August, 2008

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August 2008 Newsletter

Dear Neighbors,

I am pleased to be sending you this latest update in a series of E-newsletters containing commentary on our Township Committee meetings and other helpful information about our municipality. If you did not see the prior newsletters, you can view them at www.JeffGrayzel.com Click on the "newsletter" link.

Please feel free to pass this newsletter on to any (and all) of your friends & neighbors. There are many people that still do not get the newsletter who surely would be interested in what goes on in our Township. They can subscribe to the newsletter by sending an e-mail to Jeff@JeffGrayzel.com . You can let them know that I only send 1-2 e-mails per month and do not use their address for any other purposes.

This newsletter covers the Township Committee meeting of 8/20/08 and also provides updates on some community issues. Make sure you catch all of the upcoming events in our community. See the listing under "Other items of interest" near the end of this newsletter.

August 20 Township Committee Meeting...

You can view a copy of the August 20 Township Committee meeting agenda via a link to our Township website:

http://morristwp.com/agendas/twpcomm_08-20-08.pdf

Trust for Public Land

The first item on the agenda was a short presentation by Dene Lee, Executive Director of the Trust for Public Land (TPL). She outlined the parameters of the deal brokered by TPL to preserve 187 acres of the St. Mary's Abbey Delbarton property. As outlined in my newsletter last month, a coalition of partners including TPL, Morris County, and Morris Township will pay \$13.75 million for the land. For more information, read my July newsletter:

<http://www.jeffgrayzel.com/NLJul08.pdf>

Following the presentation, the Township Committee voted on a resolution of support for this land preservation deal.

Presentation on new Council On Affordable Housing (COAH) legislation

The second item on the agenda was a presentation by Adrian Humbert, the Township Planner, and Brian Burns, the Attorney representing the Planning Board, regarding newly enacted legislation from the NJ State Council On Affordable Housing (COAH). These two gentlemen gave a similar presentation to the Township Planning Board several days prior. They



outlined several key elements of the new legislation and provided one option of how the Township might go about building the required affordable housing units.

This discussion was of utmost importance given the application before the Planning Board to build ninety-two townhouses at 250 James Street. Under the new COAH legislation, this obligates Morris Township to provide up to 23 units of affordable housing. However, there is controversy over how the COAH shares were determined.

Also at issue here is who will pay for construction of this affordable housing. Should it be born completely by the developer whose new development is causing the requirement for new affordable housing to be constructed?? Or should it be a shared cost between the developer and the municipality (partially at taxpayer expense)??

The Township Committee members questioned Mr. Humbert and Mr. Burns after their presentation. When the questions were finished, they closed their presentation and left the room. However, during the Ordinances For Final Consideration (see below) another lengthy discussion took place relating to a new ordinance that was designed to address the affordable housing obligation created by the new townhouse development at 250 James Street. Please read details of this discussion below.

Ordinances for Final Consideration

The meeting continued with "Ordinances – Public Hearing, Final Consideration, and Adoption". This pertains to ordinances introduced at a prior Township Committee meeting. There were five such ordinances from July 16 meeting.

The first ordinance, #22-08, dealt with a simple change in language to the title (only) of one of our zoning ordinances to make clear exactly which types of structures are covered by the ordinance.

The second ordinance, #24-08, dealt with personnel procedures within the police department. This ordinance updates the present ordinance to incorporate the proper New Jersey State statutes and procedures for hiring, removal or suspension of any sworn police officer.

The third ordinance, #25-08, granted easements to two properties that for decades have had garages which encroach on the Township's right-of-way. This easement will allow the structures to legally stand where they are until they are otherwise taken down. Since the easement is transferable, it becomes easier for the current owner to sell the property.

The fourth ordinance, #26-08, relates to new regulations handed down by the New Jersey Council on Affordable Housing (COAH). Please see my last newsletter for a discussion of this newly enacted legislation. This ordinance specifically related to the "TH-4" building zone on which the proposed townhouses at 250 James Street are to be built. Our newly introduced ordinance would require a 15% set-aside of units to be sold as low- and moderate-income housing units according to the new legislation.

There was considerable discussion about this ordinance, and the financial implications for both the developer and the municipality related to constructing the obligated affordable housing units. It places both the developer and the municipality in a dilemma. The developer may include the low/moderate housing units among the market-value luxury condominiums and probably affect the selling price of the luxury units, or place them somewhere else in Morris Township. A location would be needed. Alternatively, with the agreement of the Township Committee the developer could make a "payment in lieu" of approximately \$148,000/unit to the Township who would then have to find a way to get units built. Neither side likes the costs and uncertainties of the options.



It was noted that the Planning Board did not recommend passage of this ordinance. However, I stated my belief that the Planning Board simply did not want to make this kind of financial

decision and was passing the responsibility back to the Committee. Mr. Goldberg was also present at the Planning Board meeting and agreed with me. The Mayor asked for a motion to postpone the vote on the ordinance. It carried 4 to 1. Hence, the Committee majority decided they would rather hear directly from the Planning Board before voting, and postponed the vote on the "TH-4" COAH Ordinance until the next meeting.

The fifth ordinance, 27-08, related to the acquisition of a housing unit within the municipality's current affordable housing stock that is under foreclosure. In order to keep its status as a qualified affordable housing unit, we must purchase it from the bank and then resell it to a buyer who meets the affordable housing criteria. If we did not do this, we would have to build a replacement affordable housing unit at a cost which would surely be higher than the cost to save this present unit from leaving our affordable housing inventory.

A copy of any of these ordinances may be obtained from our Township Clerk by calling 973-326-7430.

Ordinances for Introduction

There were four ordinances for introduction at this meeting.

The first ordinance, #28-08, amends our existing open space ordinance and adds a new section relating to open space acquisitions. This will facilitate our partnering with other groups to preserve land.

The second ordinance, #29-08, is another ordinance related to the new NJ State COAH legislation (see discussion above). This ordinance allows the Township to assess developer a fixed-percentage "Development Fee" of 1.5% of the assessed value of the new property being created, which is one option allowed under the state legislation. Of note, this is a very different approach than what is outlined in ordinance #26-08 (see above) for the 250 James St. townhouse development. Ordinance 26-08 would have a direct correlation to the number of affordable housing units that a new development would create, and would set fees based on a formula related to the unit obligation generated by the new construction. This ordinance #29-08 does NOT take the unit obligation into account, and therefore would tend to require fees of the developer that would be less than the actual cost to build the affordable housing units, thus leaving the taxpayers to make up the difference.



The third ordinance, #30-08, grants an easement to Morris County for placement of a new traffic light adjacent to the Fairchild Firehouse.

The fourth ordinance, #31-08, grants an easement to Jersey Central Power & Light to place equipment on the property of the Collinsville firehouse property to service a newly approved cell tower on that site.

This concludes the ordinances for introduction. These ordinances will be publicly debated at our next meeting on August 20 when we hold a formal public hearing on each of the ordinances introduced at this meeting, and at which point the public will be able to ask questions about each ordinance.

Resolutions

Several Resolutions were then passed. The title of each of these resolutions can be viewed on the agenda:

http://morristwp.com/agendas/twpcomm_08-20-08.pdf

These were routine, without controversy or need for explanation, so no discussion took place. However, during the Township Committee's remarks period at the end of our meeting I did make comments about several of the resolutions. See my remarks below.

Copies of all resolutions passed may be obtained from our Township Clerk.

Alcohol License Violation

The next item on the agenda was an administrative hearing for an alcohol license violation at The Westin "Governor Morris" Hotel, which is run by Island Hospitality Management Inc. Evidence was presented relating to the serving of alcohol after the mandatory closing time. Their license was suspended for ten days, meaning that the Westin will not be able to serve liquor on the days of its license suspension. They are appealing to the State to replace the suspension with a monetary settlement.

Public Commentary...

Every Committee meeting has a "public commentary" portion during which any member of the public can make a statement concerning anything related to Township matters, or ask the Township Committee anything they wish.



- The first resident requested more information about the new affordable housing regulations and what that would mean for the residents of the township who already were owners of one of the existing affordable units, which are supposed to revert to "market rate" after 30 years of ownership.
- Several residents from the Jockey Hollow neighborhood spoke in succession about the need to extend fire hydrants into their neighborhood. They were willing to share in the cost of the project, but felt that the township should be contributing at least a portion towards the project.

I urge more citizens to come to the Township meetings to ask questions and to air their comments. Doing so at a public forum gives you the opportunity to get an immediate response from the Township Committee, and often times helps the Committee improve regulations related to the issues at hand.

Jeff's Commentary...

The final portion of each meeting allows for each member of the Township Committee to make any general comments they please. I made the following comments:

- Regarding the fire hydrants for the Jockey Hollow neighborhood I stated that I was quite swayed by the testimony of one particular resident and felt that the township should be making a monetary commitment to provide fire hydrant service to this neighborhood. I also stated that the lack of fire hydrants puts our firefighters at greater risk when fighting a fire in this neighborhood, and that there was no price we could put on their safety.
- I commented I am extremely pleased that the lands surrounding St. Mary's Abbey and Delbarton School have been preserved. Thank you to the Trust For Public Land for brokering this deal.

Preserving this land is important for many reasons:

- The land is sacred to the monks. It is good that we are preserving the land in its natural state that the Brothers have used for walking and contemplation for so many years.
- The land is part of the Washington Valley historic district which is a nationally registered historic district. Preserving the land will also help preserve the character of this historic district which is located in our own municipality.
- The land is also environmentally sensitive. Streams that flow through the property are at the headwaters for the Whippany River which helps supply drinking water to many.

Preservation of this land is a win-win-win for all involved.

- Last week the Township Police Department participated in a multi-jurisdiction law enforcement and emergency services drill at Fairleigh Dickinson University. This was conducted in conjunction with Florham Park, other municipalities, FDU and the FBI. The purpose of the exercise is to assess the mutual aid emergency response of patrol officers and EMS to an active gun-shooting person on the college campus and then to assess the coordination and interaction of tactical operations and hostage negotiators during a large scale violent crisis. The Police Department participated in similar training exercise at FDU last August as well. This is yet another example of the training conducted at the police department in order to prepare themselves for specific situations we may encounter in our community.
- On the agenda tonight was a resolution to support the NJ Division of Highway Safety "Over the limit Under arrest" program. This is a statewide crackdown on drunk driving. I wanted to share a statistic with the public to show the importance of this, and that is that 28% of all motor vehicle accidents in the state of NJ are alcohol-related. I know you hear this a lot, but please do not allow your friends to drive drunk.
- On the agenda tonight was a resolution in support of NJ S-1234, which is legislation from the New Jersey State Senate. I had requested that this resolution be placed on the agenda. This Senate bill outlines some of the criteria a municipality or county is to consider when establishing a reasonable and safe speed limit for one of its streets and for the placement of stop signs. Among those criteria are: residential density; the presence, or lack, of sidewalks; the prevalence of entry and exit ways for business and commercial establishments; whether school children walk adjacent to the street on their way to and from school; and the proximity of recreational or park areas, schools, community residences, family day care homes, child care centers, assisted living facilities or senior communities.



According to the proposed legislation, a municipality may, without the approval of the Commissioner of Transportation, do the following by ordinance or resolution, as appropriate:

- designate parking restrictions, no passing zones, mid-block crosswalks, and crosswalks at intersections, and erect appropriate signs and install appropriate markings, on streets under municipal jurisdiction;
 - designate reasonable and safe speed limits and erect appropriate signs, on any street under municipal jurisdiction;
 - designate any intersection as a stop or yield intersection and erect appropriate signs, on streets under municipal jurisdiction; and
 - designate any intersection as a stop intersection and erect appropriate signs, on streets under municipal jurisdiction if that intersection is located within 500 feet of a school, or of a playground or youth recreational facility and the street on which the stop sign will be erected is contiguous to that school, or playground or youth recreational facility.
- Tonight we passed two resolutions related to replacing existing traffic lights with state-of-the-art signaling systems at two intersections. These new traffic lights will use a camera sensor to detect how many cars are actually at an intersection so that it can adjust the cycle of the light timing. Thus, if there is only one car sitting at an intersection then the light may stay green for only 5 seconds, and then allowing traffic flow in the other direction to begin very quickly again as opposed to waiting for a full 20 or 30 seconds as the older lights do. The two intersections are:
 - The intersection of Whippany Road (Route 511), Columbia Turnpike (Route 510) and Lindsley Drive.
 - The intersection of Columbia Turnpike (Route 510), Normandy Parkway and Normandy Heights Road. (Note: reconstruction of this intersection has already started)



Other Commentary from Township Committee members...

Ron Goldberg made the following comments:

- Thanked Harvey Klein and OEM for assistance in providing command and control communication assistance to Hanover Township at the site of a devastating fire.
- Believed that the municipality was responsible to improve fire fighting capability and safety measures where it knows it to be necessary. Seeks justification for whether and how much the Township should contribute to the addition of fire hydrants to Jockey Hollow Rd. Suggested that past, discontinued hydrant fees paid by our Township to SMUCMUA might be provide justification for some contribution.



Scott Rosenbush made the following comment:

- As a follow-up to the fire incident on Brigade Hill Road where a house burned down two months ago, he suggested that the Township partner with the residents and the Morris County water authority to install fire hydrants along the length of Jockey Hollow Road. The closest hydrant is at the corner of Bailey Hollow Road, which is approximately ¾-mile from the top of Brigade Hill Road. (Of note, Mr. Rosenbush stepped down from the dais and spoke as a citizen in support of this effort.)

Rick Watson made the following comment:

- Stated that the financial expense to extend fire hydrants to a particular neighborhood would not be fair to other neighborhoods that are not getting money for capital improvements they might need, and that we should be spending our money equitably. He agreed with Mr. Goldberg that there may be a justification for some contribution based upon past practices.

Mayor Nace made the following comment:

- Stated that his opinion was that neighborhoods without fire hydrants who want to have them extended into their area should pay for them similar to an established neighborhood that wants to have a new sidewalk put in should pay for that as well.

Closed Session

The Township Committee then recessed into "closed session" which occurs when there are legal or personnel matters that cannot be discussed in public. Minutes of the closed session are released to the public when the matters discussed are resolved. The Township Attorney John Mills announced at the Township Committee meeting (prior to recessing into closed session) that the closed session would deal with personnel, land acquisition, real property, and legal matters.

THE FOLLOWING SECTION CONTAINS GENERAL INFORMATION ABOUT HAPPENINGS AROUND MORRIS TOWNSHIP.

Building Applications Around Town

This section provides the community with some information about building projects around town. There are always new projects and continuing projects that come before the Planning Board and the Board of Adjustment. I will only highlight the larger projects and not get into details on the minor ones, such as a homeowner adding a front porch to their home).

If residents are opposed to certain types of developments, they need to voice their opinions in-person at the hearings.



The **Board of Adjustment** held a regular meeting on August 25. The agenda for this meeting can be found online at the township website:

http://morristwp.com/agendas/boa_08-25-08.pdf

The major item on the agenda was the continuing hearing for 219 Madison Avenue, a proposal to turn the 3 service bays of the gas station into a quick mart and Dunkin Donuts shop. Many residents came out to ask questions, which took up most of the meeting. The hearing will continue at the October 27 meeting at which time a final vote will probably be taken.

The next **Board of Adjustment** meeting will take place on Sept. 22. The meeting agenda will be available on the township website several days before the meeting.

The **Planning Board** held a regular meeting on August 4 and a special meeting on August 18. At the first meeting they heard testimony for two development proposals. The first was a final site approval for a subdivision on Westminster Place. Several citizens gave testimony that the developer had varied from the preliminary site plan and had cut down extra trees. It was then confirmed that 25 extra trees had been removed, which was a violation of the preliminary approval. A lengthy discussion ensued about how to deal with the situation. It was decided that a special meeting would be called for Sept. 8 at which time the developer will present a revised site plan showing how he will replant many of the trees.

The second was for the Auto dealership at 170 Madison Avenue, which was formerly the BMW dealership and now will be the MINI-Cooper dealership. They are requesting to add on to the existing structure to house a new customer service area, and are also proposing to add parking lot space to increase the impervious coverage on this lot from 73% to 91%. The complete agenda can be found online: http://morristwp.com/agendas/plbd_08-04-08.pdf

The August 18 special meeting was for continuing testimony related to the development proposal for ninety-two townhouses at 250 James Street (site of former Verizon Wireless office building). A project planner reviewed the four variances requested for the site plan, and the Board questioned this witness. The applicant has now concluded their presentations, but the public will still have one more chance to ask questions. The Board will continue hearing this project proposal at their Sept. 15 meeting and will probably take a final vote. If you have any concerns about this project please take the opportunity to ask your questions on Sept. 15 at 7:30pm.

Upcoming **Planning Board** meetings will take place on Sept. 8 (special meeting) and Sept 15 (regular meeting). The meeting agendas will be available on the township website a couple of days before each meeting.

Two hearings will resume at the Sept. 8 special meeting: First, Seneca Builders will present an updated site plan showing the illegal removal of the 25 trees that were improperly removed (see above) and their plans for replacing those trees. Second is the final site approval for a subdivision of two lots into four on Indianhead Road.

Two hearings will resume at the Sept. 15 regular meeting: First, the public will be allowed one final opportunity to ask questions of the developer of 250 James Street. Second is the proposed Subdivision plan of one lot into 3 building lots on Shadyside Street. If you live near these properties, you may want to come to the next meeting to hear their proposals.

All of the Planning Board and Board of Adjustment meetings start at 7:30pm at our municipal building and are open to the public. As with all public meetings, I urge our residents to attend so that they can have a say in how our township is managed and how it is developed.

Speedwell Avenue Beautification project

The Speedwell Avenue Beautification project has begun, and you may have already noticed the new pavers lining the sidewalks from Mill Road to Hanover Avenue.

Other items of interest:

There are many items of interest this month. Please read through this long, but interesting, list!

- The recreation Department is sponsoring a community pool party and picnic on Saturday Sept. 6 from 1-6pm at Ginty pool. An entrance fee of \$5 includes a picnic lunch. For more information please call the recreation department at 973-326-7371.
- The Morris County Park Commission's Fosterfields Living Historical Farm will welcome the community to the 1920s Country Fair and Harvest Festival from noon to 5 p.m. on Sunday, Sept. 7, for an afternoon of old-fashioned activities. For more information call (973) 326-7645 or visit www.morrisparks.net.
- Due to the success of our two prior events, the Department of Public Works has started an electronic recycling program at the DPW yard located on Jane Way. As in the past, all acceptable electronic equipment must be brought to our yard. This program is available daily Monday thru Friday from 6:30 AM to 3:00 PM. You may bring your electronic items to our yard during these times for drop off. The commitment to reduce electronic waste has been proven by the residents of Morris Township. Your participation has allowed us to recycle approximately 14 tons of electronic waste. Your continued support of all of Morris Township's recycling programs is necessary for us to provide a "Greener" future for generations to come. For a list of acceptable materials see this link: http://morristwp.com/pdfs/electronics_5-16-08.pdf
- Curbside container collection of leaves, grass, and brush is an ongoing service provided by our DPW through the Fall. Pick-ups are on alternating Wednesdays (i.e. every house get a pick up every other week). By putting your brush and twigs out for this collection you also reduce the amount of trash that goes into our Solid Waste Disposal stream, which costs much more to dispose of. So using this service instead of putting these items in the trash save us all on taxes. Please review the following update as to how your rubbish should be placed at the curb: http://morristwp.com/pdfs/Brush_4-22-08.pdf

[Upcoming Committee Meeting...](#)

The next Township Committee meeting is scheduled for Wednesday September 17th (there is only one meeting in September). I urge you to attend!! Your presence improves the quality of the proceedings, and [your questions require the Township Committee to be responsive to our citizens.](#)

**Next
Meeting
SEPT.
17th**

Other Township meetings and events can be found online on our municipal calendar:

<http://plus.calendars.net/morristwp>

Please feel free to forward this e-mail on to others. If you know someone who would like to subscribe, please have them contact me at Jeff@JeffGrayzel.com .

As always, if you have any questions about any of the above or if you have a comment you would like to share with me then please send me an e-mail to Jeff@JeffGrayzel.com .

Thank you for taking the time to read through this lengthy newsletter. I hope it has helped you be more informed about what is going on around our town.

JEFF

Committeeman, Morris Township

[Jeff's Web Site](#) | [Contact Jeff](#)

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