

**TOWNSHIP OF PARSIPPANY-TROY HILLS
TOWNSHIP COUNCIL AGENDA MEETING**

January 3, 2006

Public Invited – Public Participation

MEETING CALLED TO ORDER by Council President Agostini at 7:35 p.m.

Roll Call:	Mr. Cesaro	-	Present
	Mr. dePierro	-	Present
	Ms. Grossi	-	Present
	Mr. Vigilante	-	Present
	Mrs. Agostini	-	Present

OTHERS PRESENT: R. Strechay, Business Administrator; H. Luther, Esq., Township Attorney;
J. Silver, Township Clerk

The purpose of this meeting is to set the agenda for the Regular Township Council Meeting of January 10, 2006.

FORMAL ACTION MAY OR MAY NOT BE TAKEN.

Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on November 30, 2005 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger on December 7, 2005. Additionally, copies of this notice were forwarded by fax to other local newspapers and to local radio stations on November 30, 2005.

MOTION TO ADJOURN: Mr. Vigilante

SECONDED BY: Ms. Grossi

Roll Call:	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Ms. Grossi	-	Yes
	Mr. Vigilante	-	Yes
	Mrs. Agostini	-	Yes

MEETING ADJOURNED: 8:15 p.m.

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Minutes Approved: February 14, 2006

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ORDINANCES

Second Reading(s) and Public Hearing(s) – NONE

Status of Adopted Ordinances:

<u>Ordinance</u>	<u>Adopted</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
Well Head Protection (05:26)	12/20/05	Approved	1/17/06
Police Dept. Organization (05:30)	12/20/05	Approved	1/12/06
Code Amendments to Ensure Consistency and Avoid Conflicts (05:31)	12/20/05	Approved	1/17/06
Stormwater Regulations (05:32)	12/20/05	Approved	1/17/06
Amend Sewer Chapter (05:33)	12/20/05	Approved	1/17/06
Numbering of Buildings (05:34)	12/20/05	Approved	1/17/06
Lease – Diamond Spring Learning Center (05:35)	12/20/05	Approved	1/17/06

DISCUSSION/REMINDERS**Scheduled Meetings**

1/10/06 @ 7:30 p.m.
Portion

Regular Meeting Commencing with Conference
Public Invited – Public Participation

1/17/06 @ 7:30 p.m.

Agenda Meeting
Public Invited – Public Participation

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Minutes for Approval:

Agenda Meeting of 12/13/05 (Present: Agostini, dePierro and Vigilante) ON

Discussion(s):

Open Space – Grange Road Property (5/05) Mr. Vigilante asked if the Administration and the Open Space Committee has an interest in pursuing the acquisition, noting his view that this property would be a great asset to the Smith Field expansion. Council President Agostini commented that it is her impression that the property is not for sale. Mr. dePierro indicated that this may be true, but it

doesn't mean that the Open Space Committee cannot look at the property. He noted that Smith Field needs additional parking. Council President Agostini suggested that a letter be sent to the property owner asking if there is an interest in selling. **NEXT AGENDA**

Division of Construction Inspections – Concerns Expressed by Construction Official (10/05) The Township Clerk is to provide the documentation to the newly elected Council Members. **NEXT AGENDA**

Consideration of an Ordinance Licensing Persons Engaged in Home Improvement Business (10/05) Mr. Vigilante explained the purpose of this proposed ordinance. The ordinance is being reviewed by legal counsel and the appropriated department heads. **NEXT AGENDA**

Heliport Application – Cherry Hill Road (12/05) Mr. dePierro expressed his view that the Environmental Advisory Committee should be involved as there will be environmental and safety issues impacting the Hills of Troy. He suggested that the Committee identify someone with FAA experience to assist in opposing this application. Council President Agostini asked Ms. Grossi, as liaison to the Environmental Advisory Committee, to take the lead on this issue. Ms. Grossi agreed to do so. Mr. Luther suggested that this be given consideration since Ms. Grossi, who lives in that neighborhood, may not be the appropriate person to be designated. Ms. Grossi indicated that she would just speak with the Committee; the Chair can decide how to proceed. Mr. Luther suggested that Ms. Grossi recuse herself and that a different Council Member be designated to speak with the Committee. Mr. Strechay indicated that he has been advised that the Aeronautical Division of the DOT has responsibility at this time. The FAA is only initially involved, when a facility is constructed. **NEXT AGENDA**

Radon in Water (1/06) Council President Agostini asked that the Environmental Advisory Committee investigate this matter. Mr. Strechay advised that he will provide the Council with a memo from the Water Department providing background information. **NEXT AGENDA**

DeCozen Pond (Added to the 1/3/06 agenda by Council President Agostini) Council President Agostini indicated that this pond in the Troy Hills area seems to have been desecrated. She asked that the Environmental Committee look into this matter. **NEXT AGENDA**

Traffic Committee (Added to the 1/3/06 agenda by Council President Agostini) Council President Agostini advised that she is adding a Traffic Committee and asked Mr. Cesaro to provide information at the next agenda meeting. **NEXT AGENDA**

MAYOR

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No Agenda Items.

ADMINISTRATION

Bid(s) Taken:

12/8/05 – Two New ¾ Ton Pick-Ups with Utility Bodies, One New 5/7 Cubic Yard Dump Body with Hoist Package, One New Gledhill Trip Edge Snow Plow, Two New Reversible Trip Edge Snow Plows and Heavy Duty Open Top Containers NEXT AGENDA

12/22/05 – Records Management Needs Assessment & Strategic Plan, Phase 1 – PARIS Grant NEXT AGENDA

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Bid(s) To Be Taken:

1/12/06 @ 10:00 a.m. – Knoll West Pumping Station Repairs and Upgrades Project

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1/12/06 @ 11:00 a.m. – Jannarone Park Phase 2 New Baseball Field

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Recommendation:

Request of Eric M. Shih/Sung-Chi Shih and Frank Cesaro to Abandon a Portion of the ROW Located to the West of Fox Run Cul-de-Sac (11/05) The Division Heads are being polled; a recommendation will be forthcoming. Mr. Cesaro will recuse himself from this matter as the request involves his father. **NEXT AGENDA**

Ordinance(s):

Amending Chapter 385, Towing, of the Township Code (11/05) Mr. Strechay advised that the ordinance has been approved by both the towing companies and the Police Department. Copies are to be provided to the newly elected Council Members. **INTRODUCTION – ON**

ENGINEERING

Update/Recommendation(s):

Italicized comments below are excerpts from a December 29, 2005 memo from Mr. Pucilowski, Municipal Engineer, to Mr. Strechay, Business Administrator.

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Rainbow Lakes Dam (6/04) No change in status. **NEXT AGENDA**

Hawkins and Ball Avenue Flooding (6/04) No change in status. **NEXT AGENDA**

Fox Hill Road Concerns (6/04) No change in status. **NEXT AGENDA**

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Lower Hiawatha Flooding (10/04) *Schoor Depalma is working on the permit application for the stream cleaning along a portion of the Rockaway River between Minnehaha Blvd. and the Lake Hiawatha Swim Club. The application should be ready for submittal to the NJDEP by the end of January 2006.* **NEXT AGENDA**

Lake Parsippany Dam Inspection Report (8/05) No change in status. **NEXT AGENDA**

Sandalwood Drive Drainage (9/05) No change in status. **NEXT AGENDA**

CHIEF FINANCIAL OFFICER

No Agenda Items.

ATTORNEY

Discussion:

Amendment to Sign Ordinance (6/05) NEXT AGENDA

Alliance Church – 649 Vail Road (8/05) NEXT AGENDA

TOWNSHIP OFFICES /COMMITTEES

Planning Board:

Memo of 10/18/05 Recommending an Amendment to Chapter 430, Zoning, of the Code – Revisions to the Application Checklists for the Planning Board and Board of Adjustment (11/05)

NEXT AGENDA

Memo of 11/22/05 Recommending Changes to the Zoning Ordinance to Permit Buildings in the SED-3A and SED-5A Districts Used Exclusively as Offices for Executive and Administrative Purposes to Continue as Principle Permitted Uses Not Subject to the Maximum Area Limitation of 30 Percent (12/05) NEXT AGENDA

COMMUNICATIONS

Correspondence: None

Resolution(s):

Madison Borough – In Support of Greater Competition for Cable Service

Rockaway Township – Urging the N.J. State Legislature to Enact Legislation to Amend the N.J. Senior Tax Freeze Protection Act to Increase the Income Eligibility Limitations to the Median Regional Income Limits as Established by COAH

Lincoln Park Borough – Regarding Funding of the State Homeland Security Grants and In Support of Greater Competition for Cable Service

Council President Agostini indicated that Parsippany already adopted a resolution in support of greater competition for cable service. There was no interest, at this time, to consider the other resolutions received.

APPLICATION(S):

Liquor License Transfer From Shree Ganesh and Ruchi Corp. t/a Lake Parsippany General

Store, 171 Kingston Road to Shreeji & Ruchi, Inc. t/a Bottle King Discount Wines & Spirits, 799 Route 46 East ON*

Bingos & Raffles:

Raffle – Off premise 50/50

Saint Ann Church

MOTION BY: Mr. Vigilante

SECONDED BY: Mr. dePierro

Roll Call:	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Ms. Grossi	-	Yes
	Mr. Vigilante	-	Yes
	Mrs. Agostini	-	Yes

***Consent Agenda Items**

PUBLIC HEARING

Council President Agostini opened the meeting to the public to speak on any topic.

Clay Statmore, 20 Fox Hill Road, stated that, at one time or another, each of the Council Members has campaigned on the issue of over development or controlling development. He expressed concern with two use variances granted by the Board of Adjustment, one allowing 62 non-age restricted apartments to be built on land now known as Ridgeview Commons, land that was zoned “office-transitional,” and another allowing an additional 80 units of senior housing to be built on Route 10 on land zoned as B1. Mr. Statmore questioned the impact of these developments on the local elementary school and on Route 10 traffic. He asked the Council to send a clear message to the Board of Adjustment in the form of a non-binding resolution and provided a draft for the Council’s consideration. Additionally, he suggested that the Council stop appointing people to the Board of Adjustment who vote to grant variances for major deviations from the Master Plan.

Council President Agostini thanked Mr. Statmore for his comments and indicated that she would be proud to support the resolution. She directed the Township Clerk to add the resolution to the agenda for discussion at the Agenda Meeting of January 17, 2005. Mr. Vigilante suggested that an attorney review the draft resolution as he does not believe it is legal. Additionally, he explained that the Board of Adjustment is the place to go for a variance. Everybody has the right to apply to the Board; the Board can either approve or disapprove an application. In connection with the traffic mentioned by Mr. Statmore, Mr. Vigilante pointed out that a residential complex probably generates about 75% less traffic than an office complex, for which the tract was zoned. Therefore, he felt that the traffic argument should be eliminated. Mr. Vigilante pointed out that the Township recently bought Birch Lane, noting that this Council has done a great job in acquiring open space and trying to stop development. A balance must be struck.

Ms. Grossi agreed with Mr. Statmore’s comments. She, too, is not happy when she sees apartments going up in Parsippany. While an office building might bring more traffic, it doesn’t bring the twenty-four hour situation that you have with people living there nor does it bring the additional children into

town that are burdening our schools. Ms. Grossi indicated that she is committed to this platform and fully supportive of Mr. Statmore's proposals. We need more involvement from the community to speak their minds and slowly things will change. While we are not allowed to give guidance to the Board of Adjustment members, we certainly can watch how things are going and make appropriate changes.

Mr. Cesaro agreed that there are too many apartments, noting that the apartments are not even paying adequately into the tax base. He commented that he would like to work with the Council on sending a clear message to the Zoning Board, confirming that this cannot be a direct dictate because the Council does not want to cross that line.

Mr. dePierro clarified that the Council doesn't establish the Master Plan, the Planning Board does. The Planning Board adopts the Master Plan; the Township Council approves ordinances that are

consistent with the Master Plan. He pointed out that the Board of Adjustment is governed by the Land Use Laws; the members can't simply vote "no" because they don't want anymore development. He explained that when applications are denied, the reasons must be justified. The justification has to fall within the Land Use Laws or the decision will be overturned in court.

Seeing no one else come forward to speak, Council President Agostini closed the public portion of the meeting.