

**TOWNSHIP OF PARSIPPANY-TROY HILLS
REGULAR TOWNSHIP COUNCIL MEETING OF SEPTEMBER 17, 2013**

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 December 10, 2012 where it has remained posted since that date. A legal notice appeared in both the Daily Record on December 14, 2012 and the Star Ledger on December 13, 2012 and was forwarded by fax to other local newspapers and local radio stations on December 10, 2012.

In addition, adequate notice of the location change 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 notice on the bulletin board at the Municipal Building on June 21, 2013 where it has remained posted since that date. A legal notice appeared in the Daily Record on June 26, 2013 and was forwarded by fax to the Star Ledger, Parsippany Life and local radio stations on June 21, 2013.

Note: Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 12:00 p.m. on Sundays and are also available for viewing at www.parsippany.net.

PRESENT: Council President Brian Stanton
Council Vice-President Vincent Ferrara
Council Member Paul Carifi, Jr.
Council Member Michael J. dePierro
Council Member Jonathan Nelson

ALSO

PRESENT: Mayor James R. Barberio; Jasmine Lim, Business Administrator; Paula Cozzareli, Assistant Business Administrator; John Inglesino, Esq., Township Attorney; and Yancy Wazirmas, Township Clerk.

FLAG SALUTE

UPCOMING MEETINGS:

10/1/13 @ 7:00 p.m.	Agenda Meeting (PHHS) Public Invited – Public Participation
10/8/13 @ 7:30 p.m.	Regular Meeting (PHHS) Public Invited – Public Participation

MAYOR'S PRESENTATION(S):

- Mayor James Barberio presented a Proclamation to Mr. Harold Gantert for his longtime commitment and dedication to the community.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

BID(S)

To be Taken:

- 9/19/2013 @ 11:00am Upgrade/Resurfacing of the 85' x 185' Asphalt In Skate Rink on Parsippany Boulevard for Parks and Forestry
- 9/26/2013 @ 11:00am Roof Replacement at the Child Day Care Center

Request(s) for Quotation(s)/Proposal(s)/Qualification(s)

None

ORDINANCES - SECOND READING & PUBLIC HEARING

ORDINANCE 2013:24

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND APPROPRIATING \$4,400,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,325,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$4,400,000 including the sum of \$1,075,000 as the down payment from the sewer utility capital improvement fund for the purposes required by local bond law. The down payment has been made available by virtue of provision in the sewer utility capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$3,325,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvements hereby authorized and the purposes for which the bonds or notes are to be issued are a 4 mgd upgrade, a pump station #4 upgrade to include a Lake Hiawatha Study, lab renovations and the purchase of a tanker, including all structures, work, equipment and materials necessary therefore or incidental thereto.

- (b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.
- (c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3 of this bond ordinance is not current expense. It is an improvement or purpose the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof within the limitations of the Local Bond Law, is 15 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,325,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$1,000,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.
- (e) The Township reasonably expects to commence the acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on July 22, 2013 and republished on August 26, 2013.

Motion to accept that Ordinance 2013:24 be heard in its second and final reading by title only, by Mr. dePierro, seconded by Mr. Ferrara.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

PUBLIC HEARING 2013:24

Motion to open the public hearing for Ordinance 2013:24 by Mr. Carifi, seconded by Mr. Ferrara.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:24 by Mr. Ferrara, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above by Mr. dePierro, seconded by Mr. Ferrara.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

ORDINANCE 2013:25

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 315, LOT 12 PURSUANT TO THE LOCAL LAND AND BUILDINGS LAW

WHEREAS, pursuant to N.J.S.A. 40:61-1, et. seq., the Township of Parsippany-Troy Hills (the “Township”) may acquire lands for open space, conservation and recreation purposes; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township has the power to acquire any real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, the owner of certain real property located in the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, known as Mirror Pond and shown on the official tax map of the Township of Parsippany-Troy Hills as Lot 12 in Block 315, desires to sell such property to the Township for a purchase price of approximately Two Thousand Five Hundred Dollars (\$2,500.00) for the preservation of public health, safety and welfare of the residents as well as for Open Space preservation purposes; and

WHEREAS, the Township Council of the Township is committed to the preservation of open space within the Township of Parsippany-Troy Hills, and it has determined that it would serve a public purpose for it to acquire such property from the owner of the subject land.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that it hereby authorizes the acquisition of the land known as Mirror Pond and shown as Lot 12 in Block 315 on the official tax map of the Township of Parsippany-Troy Hills from the owner, Lake Parsippany Property Owners Association, Inc., for a purchase price of approximately Two Thousand Five Hundred Dollars (\$2,500.00), subject to customary contractual adjustments, to preserve Open Space within the Township of Parsippany-Troy Hills; and

BE IT FURTHER ORDAINED, that the property shall be conveyed to the Township by Deed with covenants as to Grantor’s acts to be reviewed and approved by the Township attorney; and

BE IT FURTHER ORDAINED, that the Mayor and Township Clerk are hereby authorized to execute and deliver any document as it would be necessary to effectuate said conveyance; and

BE IT FURTHER ORDAINED, that any section, paragraph, subsection, clause or provision of this Ordinance shall be judged by the Courts to be valid, such adjudication shall apply only to the section,

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinance or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon the passage and publication in accordance with the applicable law.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on August 23, 2013.

Motion to accept that Ordinance 2013:25 be heard in its second and final reading by title only, by Mr. Ferrara, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

PUBLIC HEARING 2013:25

Motion to open the public hearing for Ordinance 2013:25 by Mr. Carifi, seconded by Mr. dePierro.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:25 by Mr. Ferrara, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above by Mr. Ferrara, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

ORDINANCE 2013:26

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 169 FIRE PREVENTION, BY THE ADDITION OF A NEW SECTION 169-19.2 IDENTIFYING EMBLEMS AND LIGHT WEIGHT CONSTRUCTION AND ESTABLISHING A NEW FEE IN 169-18, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

BE IT ORDAINED, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 169, Fire Prevention, is hereby amended and supplemented by the addition of a new section, Section 169-19.2, Identifying Emblems and Light Weight Construction, which shall read in its entirety as follows:

“169-19.2. Identifying Emblems and Light Weight Construction.

A. Purpose.

(1). The purpose of this Section is to mandate the exterior identification of all structures within the Township of Parsippany that utilize engineered lumber, including prefabricated I-joists, truss joists, truss rafters, laminated beams, studs and other similar light weight construction materials, as a method to construct, renovate, or alter any section of a structure. The pre-incident identification of these structures will provide fire-suppression crews with critical strategic and tactical information to be utilized during fire-fighting operations and significantly enhance the safety of fire-suppression personnel operating at emergency incidents. This Section shall apply to all structures consisting of truss or pre-manufactured building components not currently regulated for identification within the New Jersey Uniform Fire Code.

(2). This Section shall govern the administration, use, and requirements of the Township of Parsippany’s Light Weight Construction Identification Program.

B. Definitions. As used in this Section the following terms shall have the meanings indicated:

(1). Alteration: The rearrangement of any space by the construction of walls or partitions, the addition or elimination of any door or window, the extension or rearrangement of any system, the installation of any additional equipment or fixtures and any work which effects a primary structural component.

(2). Building Preplan/Site Inspection: Any preoccupancy site visit conducted by Fire Prevention or Fire District personnel for the purpose of gathering building information, developing strategic and tactical incident action plans, reviewing construction type(s), and familiarizing personnel with the individual construction site or renovation project.

(3). Construction Official: The individual responsible for enforcing the Township’s Construction Code.

(4). Engineered Lumber: Prefabricated I-joists, truss joists, truss rafters, laminated beams, studs and other similar light weight construction materials used to construct, renovate, or alter any section of a structure.

(5). Fire Chief(s): The individual Chiefs from the six (6) Fire Districts responsible for the daily fire operations within the Township of Parsippany.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

(6). Fire Districts: The six (6) Fire Districts within the Township of Parsippany.

(7). Fire Official: The individual responsible for the daily operations of the Fire Prevention Bureau.

(8). Housing/Property Maintenance Inspection: An inspection of an individual residential unit or a building or property designed to determine if any violations of local or state ordinances, laws, or regulations governing housing and property maintenance are in existence.

(9). LWC: The insignia that is used to identify the use of light weight construction/Engineered Lumber components within a structure.

(10). Plan Review: Any review of required building plans conducted by the Construction Official, Fire Chief, Fire Official, and/or any other official/agent authorized by the Township of Parsippany to review such plans.

(11). Program Administrator: The Fire Official (or his designee) that is responsible to administer and supervise the provisions of this Section.

(12). Property Owner: The owner or owners in fee of the property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee or any other person, firm or corporation, directly or indirectly in control of a building, structure, or real property and shall include any subdivision of the state.

(13). Renovation: The removal and replacement or covering of existing interior or exterior finish, trim, doors, windows, or other material with new materials that serve the same purpose and do not change the configuration of space. "Renovation" shall include the replacement of equipment or fixtures.

(14). Structure: Any commercial or residential building or dwelling unit within the Township of Parsippany, including detached one and two family residential dwellings.

C. Determination of Use, Implementation, Exemptions, Enforcement, Dimensions and Placement.

(1). The property owner of any existing or new structure that contains Engineered Lumber components in its construction, renovation, or alteration shall be required to install a light weight construction identification emblem on the exterior of the structure or unit. Structures containing Engineered Lumber must have a reflective symbol affixed above the electric meter or to the right of the entrance door at a height of six feet (6') above the ground and shall be applied by the owner of the property/building. Installation of the light weight construction identification emblem on structures containing Engineered Lumber shall be a condition of the issuance of a Certificate of Occupancy by the Construction Official.

(2). The light weight construction identification emblems shall be of a bright reflective color, or be made of a reflective material. The shape of the emblem shall be a triangle and the size shall be six inches (6") horizontally by six inches (6") vertically. The emblem shall contain the letters "LWC" in red on a white reflective background. Lettering shall be a minimum of three inches (3") in height to make them conspicuous.

(3). Individual structures and dwelling units constructed with Engineered Lumber that are part of a planned real estate development shall not be required to have identifying emblems if there is an emblem affixed at the entrance to the development.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

(4). This Section shall be enforced by the Construction Official in cooperation with the Fire Official. Structures that existed prior to the implementation of this Section where a Certificate of Occupancy was issued shall be enforced by the Fire Official. The identification of the use of the Engineered Lumber to construct, renovate, or alter any structure may occur through one or more of the following non-exclusive methods:

- a. Fire Prevention Inspection.
- b. Housing/Property Maintenance Inspection.
- c. Building Preplan/Site Inspection.
- d. Code Enforcement Inspections.
- e. Plan Review.
- f. Fire District Hazard Assessment Inspection.

(5). Immediately upon identification of the use of Engineered Lumber as a method of construction, renovation, or alteration, the party identifying same shall notify the Program Administrator. This notification shall be in the form of a written memo and shall include the type of construction, location(s) within the structure, address, block/lot, and name of the property owner.

(6). The Program Administrator (or his designee) shall then contact the property owner to inform him or her of the requirements set forth by this Section and schedule any immediate or future inspections that will be required to assist the property owner with compliance and emblem placement. The Program Administrator (or his designee) shall ensure that all follow-up inspections and site visits are coordinated and scheduled to coincide with the completion of the building construction, alteration or renovation project.

(7). Upon completion of the construction, renovation, or alteration project it shall be the responsibility of the property owner to permanently affix the identification emblem to the structure at the approved location as stipulated within this Section. This installation shall be completed within thirty (30) days of the completion of the construction, renovation, or alteration project. The property owner shall be responsible to maintain the emblem.

(8). Upon completion of the construction, renovation, or alteration project it shall be the responsibility of the Program Administrator (or his designee) to ensure that the property owner installs the identification emblem at the approved location and has complied with all parts of this Section. In addition, the Program Administrator (or his designee) shall provide the property owner with all contact information in order to assist the property owner with any future inquiries regarding compliance with this Section.

(9). The light weight construction identification emblem shall be purchased by the property owner from the Township of Parsippany at a fee as established in Section 169-18, Fees.

(10). In the event the identification emblem becomes detached from the structure and is lost, the property owner shall immediately contact the Fire Official and purchase a replacement emblem.

(11). The location shall provide firefighters with an immediate, unobstructed view of the emblem upon reaching the front entrance of the structure.

(12). The emblem shall be located in an area that will not detract from the exterior appearance of the structure.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

D. Failure to comply. It shall be a violation of this Section if the property owner fails to install the required emblem within thirty (30) days following receipt of written notification from the Program Administrator.

E. Violations and Penalties. Any person convicted of violating a provision of this Section shall be subject to a fine of not more than one hundred dollars (\$100.00).”

SECTION 2. Chapter 169, Fire Prevention, Section 169-18, Fees is hereby amended and supplemented by the addition of a new subsection “D” to establish a fee for the purchase of a light weight construction emblem as required in Section 169-19.2 which fee is hereby established as follows:

“D. Light Weight Construction Emblem:

(1) Picked Up	\$2.00
(2) Mailed	\$3.00

SECTION 3. This Ordinance may be renumbered for codification purposes.

SECTION 4. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

SECTION 5. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on August 23, 2013.

Motion to accept that Ordinance 2013:26 be heard in its second and final reading by title only, by Mr. Carifi, seconded by Mr. dePierro.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

PUBLIC HEARING 2013:26

Motion to open the public hearing for Ordinance 2013:26 by Mr. Ferrara, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:26 by Mr. Carifi, seconded by Mr. Ferrara.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above by Mr. Carifi, seconded by Mr. dePierro.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

ORDINANCE 2013:27

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING THE TOWNSHIP OF PARSIPPANY-TROY HILLS CODE CHAPTER 372 TAXICABS AND LIMOUSINES

WHEREAS, N.J.S.A. 48:16-1 permits the Township of Parsippany-Troy Hills (the “Township”) to regulate and license limousine companies that maintain their principal place of business within the Township; and

WHEREAS, the licensing, inspection, and regulation of limousine operators in the Township promotes the health, safety and welfare of the Township and its residents.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, as follows:

SECTION 1. Section 372-2 of the Township Code, Types of Licenses, is hereby amended as follows:

The following types of licenses are hereby established for the purposes of this chapter.

A. Taxicab owner's license; filing of certificate.

- 1) Each person engaged in the taxicab business and utilizing the Township as a principal place of business shall obtain an individual license for each taxicab.
- 2) Pursuant to N.J.S.A. 48:16-7, any person engaged in the taxicab business within the Township whose principal place of business is in another municipality shall file with the Township Clerk a certificate from the Clerk of that municipality certifying that the owner has complied with the insurance requirements of N.J.S.A. 48:16-3.

B. Limousine business license and limousine vehicle license.

- 1) Each person engaged in the limousine business utilizing the Township as a principal place of business shall obtain a limousine business license.
- 2) Pursuant to N.J.S.A. 48:16-17, limousine business whose principal place of business is within the Township shall obtain a limousine vehicle license for each limousine operated.

SECTION 2. Section 372-4 of the Township Code, Suspension and Revocation, is hereby amended as follows:

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- A. Any license issued in accordance with the terms of this chapter may be refused or any license issued may be revoked or a renewal thereof refused by the Township Council after notice and hearing for any of the following causes:
- 1) If the license holder, applicant, or any employee of the license holder or applicant who operates licensed taxicabs or limousines has been convicted:
 - a) Of a crime in this or any other jurisdiction.
 - b) Of being a disorderly person in this or any other jurisdiction.
 - c) Of a violation of Title 39 of the Revised Statutes of New Jersey.
 - d) Of a violation of any provision of this chapter.
 - 2) If the license holder or applicant has any judgment unsatisfied or record against him arising out of an automobile accident.
 - 3) If the license holder or applicant has failed or fails to render reasonably prompt, safe and adequate taxicab service, or safe and adequate limousine service.
 - 4) If the license holder or applicant has failed to comply with all laws of the State of New Jersey or ordinances of the Township or rules and regulations regarding the ownership and operation of taxicabs or limousines.
 - 5) If the license holder or applicant has operated or operates without a license issued pursuant to this chapter any taxicab or limousine business with its principal place of business located within the Township.
 - 6) If the license holder or applicant operates any taxicab or limousine business licensed by the Township from a principal place of business located outside of the Township.
 - 7) If any business license, permit, or authorization of the license holder or applicant has been denied, suspended, or revoked for any reason.
 - 8) If any insurance policy required under this chapter providing coverage to the license holder or applicant is denied, suspended, or revoked for any reason.
- B. Any contemplated hearing shall be held within 15 days following an order of suspension upon notice, which notice shall set forth the reasons for the proposed revocation or suspension.

SECTION 3. Section 372-8 of the Township Code, Limousine Owner's License, is hereby amended as follows:

- A. Licenses required. It shall be unlawful for any person to engage in the limousine business utilizing the Township as a principal place of business without first having obtained a limousine business license and a limousine vehicle license for each limousine vehicle operated as hereinafter provided.
- B. Physical office required. Each limousine business licensed by the Township shall maintain a physical office within the Township as its primary place of business. Virtual offices shall not be licensed. For purposes of this chapter, a virtual office is defined as an office established by

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

computer, internet, telecommunication, or other electronic means, without any physical office space located within the Township at which the limousine business receives customers, schedules fares, or otherwise conducts its routine and ordinary business.

C. Application for initial limousine business license.

1) Application requirements. No limousine business license shall be issued for any limousine business until the owner files an application setting forth the following:

- a) The legal name of the limousine business, including any and all trade names, and the physical address of its principal place of business in the Township. Virtual offices shall not be licensed.
- b) A copy of the limousine business' Articles of Incorporation, Certificate of Formation, or other corporate formation document registered with the State of New Jersey.
- c) The location at which limousine vehicles will be parked or otherwise stored. For each such location, the applicant shall submit a copy of the deed or business lease showing the limousine business as the owner or tenant. If the location is not within the Township, the applicant shall also submit a certification of the zoning official in the municipality where the vehicle is to be parked or otherwise stored that the parking or storage of limousines at that location is permitted by that municipality's zoning ordinance. If a lease is submitted, it must include a provision which permits the parking of limousine vehicles on the business premises. If the lease does not include a provision permitting the parking of limousine vehicles on the business premises, the applicant must submit a letter from the landlord granting permission to park limousine vehicles on the business premises.
- d) A copy of a valid Zoning Permit issued by a Township Zoning Officer permitting the limousine business to operate at the designated principal place of business.
- e) A complete list of each and every owner, officer, member, parent entity, and subsidiary entity of the limousine business, including the name, title, home or principal business address, date of birth, driver's license number or corporate code, and percentage ownership interest of each owner, officer, member, parent entity, and subsidiary entity.
- f) Proof of insurance as required by N.J.S.A. 48:16-14, and Section J herein.
- g) A complete list of each and every employee of the limousine business, including the name, home address, telephone number, and date of birth. Every driver employed by the limousine business shall also include his New Jersey driver's license number and expiration date.
- h) A copy of a valid Certificate of Authority to Collect New Jersey Sales Tax authorizing the limousine business to collect sales tax from its customers.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- 2) Approval of application. The Township Council shall not issue any limousine business license until the applicant has demonstrated satisfactory compliance with the provisions of N.J.S.A. 48:16-13 to N.J.S.A. 48:16-22.7, and with the conditions precedent to issuance of the license set forth in this chapter.

D. Application for initial limousine vehicle license

- 1) Limousine business license required. No limousine vehicle shall be licensed by the Township unless the owner of that limousine vehicle first obtains a limousine business license as set forth in this Chapter. An applicant for a limousine business license may simultaneously apply for limousine vehicle licenses.
- 2) Application requirements. No limousine vehicle license shall be issued for any limousine until the owner files an application for a limousine vehicle license setting forth the following:
 - a) The name, business address, and license number of the Township licensed limousine business seeking to license the limousine vehicle.
 - b) A description of the limousine vehicle, including VIN and license plate number.
 - c) Proof that the limousine vehicle is owned, leased, or financed by the designated limousine business.
 - d) The New Jersey registration number or license plate number, and a copy of the registration.
 - e) The expiration date of the limousine vehicle's New Jersey inspection.
 - f) Proof of insurance for the limousine vehicle.
 - g) The identity, including name, home address, telephone number, and New Jersey driver's license number, of each individual who will operate the limousine vehicle.
- 3) Authorization to inspect. By signing an application for a limousine vehicle license, the applicant shall consent to have each limousine vehicle listed on the application inspected by the Township Police Department to verify that the limousine vehicle is in operational condition and complies with the requirements of the New Jersey Motor Vehicle Law.
- 4) Posting of license. Pursuant to N.J.S.A. 48:16-17, each limousine vehicle license shall recite the name of the insurance company, the number and date of expiration of the insurance policy, a description of the limousine insured thereunder and the registration number of the limousine insured thereunder. The original license or a copy thereof shall be retained within the limousine and shall be available for inspection.

E. Renewal of limousine business licenses and limousine vehicle licenses.

- 1) Renewal requirements for limousine business licenses. A holder of a current, unexpired limousine business license may apply to the Township Clerk no later than November 1 to

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

renew the license. A holder of an expired limousine business license shall be required to file an initial application and all required supporting documentation in order to renew the license.

- 2) Renewal requirements for limousine vehicle licenses. Limousine vehicle licenses may be renewed simultaneously with the limousine business licenses, provided that all required supporting documentation for each limousine vehicle, including but not limited to registration documents, proof of insurance, and identity of the persons operating each limousine vehicle, is submitted for each limousine vehicle license renewed.
 - 3) Applicant to disclose changes. When applying to renew a limousine business license or a limousine vehicle license, the applicant shall indicate any and all changes since the initial application or most recent renewal, including but not limited to changes in corporate structure, business address, insurance, employees, and vehicles, and shall provide copies of all relevant documents supporting any changes.
 - 4) Current documentation required. Applications for limousine business license renewals shall include current copies of all documents which expired, or are due to expire, during the term of the license being renewed, including but not limited to, drivers licenses, registration documents, insurance documents, sales tax certificates, and business registration certificates.
 - 5) Final approval. Final approval of limousine business license renewals shall be by Resolution of the Township Council. Renewal of corresponding limousine vehicle licenses shall not require Township Council approval so long as the renewal application complies with the provisions of this Chapter.
- F. Fees required and nonrefundable. Applications for limousine business licenses and limousine vehicle licenses shall be made to the Township Clerk on forms provided. All applications shall be accompanied by the required fee. All application fees shall be nonrefundable and the nonrefundability of application fees shall be stated on all application forms. Applications shall contain information deemed necessary or specifically called for by ordinance. Final approval of all applications shall be by Resolution of the Township Council.
- G. Limousine vehicle licenses under a previously issued limousine business license. Provided that all other requirements of this Chapter are met, where a limousine business license has previously been issued, the approval of the Township Council shall not be required as a condition for issuance of limousine vehicle licenses under that limousine business license.
- H. License fee. The annual fee for a limousine owner's license shall be \$50 for the limousine business license plus \$10 for each vehicle licensed thereunder.
- I. License term. All limousine business licenses and vehicle licenses shall expire on December 31 following the date of issue and shall be renewed annually on or before January 1.
- J. Liability insurance and power of attorney.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- 1) No limousine business license or limousine vehicle license shall be issued until there is submitted to the Township Attorney, and approved by him as to both form and sufficiency, and filed with the Township Clerk at the time application for a license is made an insurance policy with the premium prepaid thereon issued by an insurance company duly licensed to transact business under the laws of the State of New Jersey with a policy limit of not less than \$1,500,000 against loss imposed by law, including but not limited to judgment or settlement, upon such owner for damages on account of bodily injury, including death, or property damage suffered by one or more persons arising from or caused by any one accident, including an act or omission, occurring by reason of the ownership, maintenance or use of the vehicle so licensed within the Township. A "combined single limit" policy in the amount required by this Code section shall satisfy this Code section. The operator of each limousine shall be covered by the insurance requirements herein referred to.
 - 2) All limousine business licenses and limousine vehicle licenses shall be effective and operative only as long as such insurance policy or policies remain in force and effect.
- K. Transfer of limousine vehicle license. Limousine vehicle licenses may be transferred from one vehicle to another belonging to the same limousine business license holder only after an application in writing has been submitted to the Township Clerk, on forms provided, along with a transfer fee of \$10. Limousine vehicle license transfer applications must be accompanied by proof that the license plates of the prior limousine were surrendered to the appropriate Motor Vehicle agency, and shall be accompanied by proof of insurance for the limousine vehicles to which limousine vehicle licenses are transferred. All limousine vehicles to which limousine vehicle licenses are transferred shall be inspected by the Township Police Department to verify that the limousine vehicle is in operational condition and complies with the requirements of the New Jersey Motor Vehicle Law. Approval of the Township Council shall not be required as a condition for the transfer of limousine vehicle licenses under this Section.
- L. Additional rules and regulations. In addition to the rules and regulations set forth herein, the State of New Jersey and the Motor Vehicle Commission have further statutes, rules and regulations with regard to the operation of limousines and the conduct and licensing of operators thereof. The Township Council may, by resolution, make such rules and regulations in relation to the operation of limousines and the conduct of operators thereof as they may determine to be necessary and proper in the best interests of the Township. A certified copy of any such resolution shall be forwarded to all licensees within 10 days following adoption.

SECTION 4. Section 372-9 of the Township Code, Violations and penalties, is hereby created as follows:

- A. It shall be a violation of this Chapter for any person, firm, or corporation to:
 - 1) Operate a limousine without a license issued by the Township;
 - 2) Knowingly permit a driver to operate a limousine without a validly issued driver's license or a validly issued commercial driver license if required pursuant to N.J.A.C.13:21-23.1;

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- 3) Fail to have filed an insurance policy in the amount of \$1,500,000 which is currently in force as provided in N.J.S.A. 48:16-14 or in the amounts required pursuant to section N.J.S.A. 48:16-22.4; or
- 4) Operate a limousine in which the number of passengers exceeds the maximum seating capacity as provided in N.J.S.A. 48:16-13 or section 2 of N.J.S.A.48:16-13.1

B. Any person, firm, or corporation who is convicted of a violation of Section A herein shall pay a fine of \$2,500 for the first offense and a fine of \$5,000 for the second or subsequent offense, as set forth in N.J.S.A. 39:5G-1.

SECTION 5. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 6. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 7. All Ordinances or parts of Ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval, and publication as provided by law.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on August 23, 2013.

Motion to accept that Ordinance 2013:27 be heard in its second and final reading by title only, by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

PUBLIC HEARING 2013:27

Motion to open the public hearing for Ordinance 2013:27 by Mr. Ferrara, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:27 by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

ORDINANCE 2013:28

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 430, ZONING, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, ADDING A NEW ARTICLE XLIX, ESTABLISHING A RCR-PLANNED RETAIL/COMMERCIAL/RESIDENTIAL OVERLAY DISTRICT AND DESIGNATING CERTAIN ZONE BOUNDARIES IN THE TOWNSHIP

WHEREAS, the current zoning of certain property identified as Block 421, Lot 29 on the Tax Map of the Township of Parsippany-Troy Hills (the “Property”) has not resulted in the development thereof; and

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) desires to make better utilization of the Property in accordance with sound planning principles and to realize public benefits from the development of the Property.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey as follows:

SECTION 1. Article XLIX of the Township Code, RCR Planned Retail / Commercial / Residential Overlay District, is hereby created as follows:

§ 430-326. Statement of objectives.

The purpose of the RCR Overlay District is to provide a complementary development alternative permitting the establishment of a planned mixed-use retail/commercial/residential development at Block 421 Lot 29, with frontage along U.S. Route 46. Such a development at this location will serve to improve the provision of goods and services and modern residential housing for residents of Parsippany-Troy Hills and the surrounding area. This location in the New Jersey State Plan Metropolitan Planning Area designation, is adjacent to developed utility services and in direct proximity to the regional transportation network of roadways including Routes 46, 287 and 80 and corresponding mass transit opportunities. The RCR Overlay District complements the intent of the underlying POD Zoning District; developed in concert with the surrounding physical and environmental features in its criteria, with specific consideration given to the surrounding neighborhood development pattern.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

§ 430-327. Permitted uses.

Subject to development regulations as set forth hereinafter, the uses noted below shall be permitted as a development alternative to the underlying POD zoned uses but shall not replace to underlying POD zoning district. The uses enumerated below are permitted and shall be developed in accordance with the criteria noted herein:

- A. Retail commercial buildings with one or more tenants, with at least one tenant having a gross floor area ranging from a minimum of 35,000 square feet to a maximum of 150,000 square feet.
- B. Restaurants and other eating and drinking establishments, with or without drive-through window facilities.
- C. Banks, with or without a drive-through window.
- D. Residential townhouse dwellings, on a separate sub lot of the tract, subject to the regulations outlined in this Article.
- E. Multiple uses, limited to any combination of the uses above, in one or multiple buildings. Multiple uses are permitted on a lot except on a sub-lot of the tract to contain residential townhouse development.

§ 430-328. Prohibited Uses.

Any use not expressly described above is prohibited. This shall not imply the uses of the underlying POD zone are not permitted if a tract is developed in accordance with the POD Zone district criteria.

§ 430-329. Accessory Uses.

Permitted accessory uses shall include accessory uses permitted in the underlying zone, and any other accessory use that is customary and incidental to the permitted uses in the RCR District, including but not limited to:

- A. Off-street parking.
- B. Fences and walls, subject to the dimensional requirements herein.

§ 430-330. Conditional Uses.

None, except as permitted in the underlying POD District.

§ 430-331. Height, Area, and Other Bulk Requirements.

The regulations setting forth the intensity and density of development within the RCR Overlay District shall apply to individual sites within the RCR Overlay District only, and not to the entirety of the POD District as a whole. The underlying bulk regulations of the POD District shall remain in full force and effect for development devoted exclusively to underlying POD permitted uses.

- A. Definitions: For purposes of this section, the word “tract” shall be synonymous with the district itself.
- B. Minimum tract size: 25 acres
- C. Minimum tract frontage on Route 46: 400 feet.
- D. Minimum buffer requirement: No building or parking shall be located within 50 feet of

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

Waterview Boulevard, Route 46 and the R-3 Zone boundary coinciding with the rear lots of homes fronting Forest Drive (except the lot lines of the property that coincides with the portion of the Right of Way that is contiguous with the off ramp from westbound Route 46 wherein the buffer shall be 25 feet in this area only). No building or parking shall be located within 75 feet of Intervale Road Right of Way beginning from the point of curvature of the Right of Way line of Intervale Road at the intersection with Route 46 and continuing for the length of Intervale Road adjacent to the RCR Zone District.

The minimum buffer requirement from lot lines within the tract is follows:

- (1) No building or parking on a residential developed lot created by subdivision within the tract shall be located within 40 feet of the lot line between residential and non-residential uses.
- (2) No parking or roadways on the commercial non-residential lots created by subdivision within the tract shall be located within 5 feet of the lot line between non-residential and residential uses.

E. Residential Townhouse Bulk, Yard and Setback Requirements:

- (1) Maximum lot area: 10 acres
- (2) Minimum lot area : 5 acres
- (3) Maximum density (residential): Gross density shall not exceed six units per acre on the lot which residential development is located.
- (4) Maximum coverage buildings on a residentially developed lot of the tract shall not exceed 20 percent on the lot which residential development is located.
- (5) Maximum percentage of tract impervious coverage on a residentially developed lot of the tract shall not exceed 45 percent on the lot which commercial development is located.
- (6) Residential townhouse dwellings: No building shall be located within 85 feet of Intervale Road or 65 feet from the R-3 Zone Boundary. No building shall be located within 300 feet of Route 46 or Waterview Boulevard. No building shall be located within 40 feet of a side or rear lot line not coincident with the R-3 Zone Boundary.
- (7) Minimum number of units in a residential townhouse building: three units
- (8) Maximum number of units in a residential townhouse building: six units
- (9) Minimum width of residential townhouse dwelling unit: 23 feet
- (10) Maximum width of a residential townhouse structure: 180 feet
- (11) Every 80 feet, there shall be a minimum four foot break in the front façade plane of a residential townhouse structure.
- (12) Minimum distance between residential townhouse buildings:

<u>Townhouse Building Setback</u>	<u>Minimum</u>
Front to Front:	60 feet
Front to Side:	30 feet
Front to Rear:	60 feet
Side to Side:	30 feet

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

Side to Rear: 30 feet
Rear to Rear: 50 feet

(13) Maximum building height (residential): 35 feet and 3 stories.

F. Non-Residential Commercial Bulk, Yard and Setback Requirements:

(1) Minimum lot area: 15 acres

(2) Maximum percentage of coverage by buildings on a commercially developed lot of the tract shall not exceed 40 percent on the lot which commercial development is located.

(3) Maximum percentage of tract impervious coverage on a commercially developed lot of the tract shall not exceed 90 percent on the lot which commercial development is located.

(4) Commercial buildings: No building shall be located within 100 feet of Route 46 and Waterview Boulevard. No building shall be located within 125 feet of Intervale Road. No building shall be located within 300 feet of a lot line that coincides with the R-3 Zone boundary. No building shall be within 35 feet of a side or rear lot line, including those lot lines within the tract.

(5) Maximum floor area ratio (non-residential): Gross floor area for all retail and related uses, such as banks and restaurants, shall not exceed 0.28 on a lot on which non-residential development is located.

(6) Maximum building height (non-residential): 40 feet and two stories

§430-332 Development Standards.

A. Access. No access shall be permitted to or from Intervale Road.

B. Buffers.

(1) Buffers shall provide a year-round visual screen in order to minimize adverse impacts from the tract on adjacent properties or from adjacent areas. Buffers shall consist of natural vegetation to the greatest extent practical, grading or disturbance shall be avoided. It may consist of fences, planting, berms, mounds, or combinations thereof to achieve the stated objectives as approved by the Board.

(2) Where required, buffers shall be measured from property lines and street rights-of-way. Compliance shall be determined by the Board, and any approvals required pursuant to this section shall be obtained at the time of site plan and subdivision review.

(3) Within any frontage buffer areas, sidewalks, underground linear utilities and site access drives shall only be permitted to cross said buffers, provided their placement is designed to minimize land disturbance within the buffer. Above or below-ground storm water detention systems are not permitted within required buffer areas. Access drives shall cross buffer areas at a right angle or as close to a right angle as is practical to minimize land disturbance.

(4) Buffer areas shall be maintained and kept free of weeds, debris and rubbish.

(5) Frontage buffers along Route 46 and Waterview Boulevard.

(a) Frontage buffer areas shall be provided for all uses. Frontage buffers shall be shown on the landscape plan and where sufficient existing vegetation is deemed

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

insufficient they shall be planted with a mix of deciduous and evergreen trees, shrubs, grasses and perennials, and incorporated with berms, boulders, mounds or combinations thereof so as to enhance the appearance of the site. The design of landscaping shall be of sufficient height to screen parked cars from motorists on rights-of-way's contiguous to the frontage buffer. In addition to required street trees, frontage buffers shall require a minimum of 10 shrubs for every 30 feet of frontage. If a landscaped berm is provided, the berm shall be at least 2.5 feet higher than the finished elevation of the adjacent parking lot, and then the planting requirements may be reduced to five shrubs for every 35 feet of frontage. Frontage buffer plantings may be waived by the Board where existing natural growth is found to be sufficient for this purpose.

- (b) No buildings, structures, accessory structures, parking, driveways, loading areas or storage of materials shall be permitted in the frontage buffer, except for necessary retaining walls and as provided for herein.
 - (c) Frontage buffers may not interfere with traffic sight distances, and shall not preclude a driver's view of retail stores or signs on a commercial site where such view, as determined by the Board, is either necessary to the legitimate economic functions of the site or where traffic safety factors are involved.
- (6) Transition buffers. Transition buffers shall be required when any proposed nonresidential use abuts a residential zone or use and along the frontage of Intervale Road.
- (a) Design of transition buffers. Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Potential arrangements include planting in parallel, serpentine or broken rows. If planted berms are used, the maximum side slope shall be 2:1.
 - (b) Existing vegetation within the transition buffer shall be preserved, as determined appropriate and to the extent practical. It shall be supplemented with shade-tolerant naturalistic massed plantings where necessary to complete screening of adjoining land uses.
 - (c) Transition buffer planting specifications. Plant materials shall be sufficiently large and planted in such a fashion that a screen at least 10 feet in height shall be produced. All plantings shall be installed according to accepted horticultural standards. Such strips shall be planted with evergreens and deciduous trees as follows, subject to the approval or modification of the Planning Board.
 - (d) The transition buffer shall be planted with masses and groupings of shade trees, ornamental trees, evergreen trees and shrubs. No less than 75 percent of the plantings shall be evergreen trees with a minimum installed height of 10 feet. A fence or wall may be required within the transition buffer at the discretion of the Board. Said fence shall not exceed a six-foot height in the side or rear yard of the sub-lot and not exceed a four-foot height in the front yard.
 - (e) Unless otherwise approved by the Board, evergreens shall be spaced five feet from the outside property line and eight to 10 feet apart in a row. A minimum of two parallel rows of staggered plants shall be required between any residential and nonresidential use. More than one type of evergreen species shall be used. Where a fence is required, all plantings shall be placed along the outside perimeter of the fence but not closer than five feet from the outside property line.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- (f) All proposed deciduous trees in a transitional buffer shall be of a two-and-one-half- to three-inch caliper, measured six inches from grade.
 - (g) No buildings, structures, accessory structures, parking, driveways, loading areas or storage of materials shall be permitted within the transition buffer. Buffer areas shall be maintained and kept free of all debris and rubbish.
 - (h) Transition buffer plantings may be waived by the Board where existing natural growth is found to be sufficient to provide a year-round screen of adjacent land uses.
- C. Maximum size and location of a residential deck. All decks associated with a residential structure shall be a maximum size of 12' deep from the rear of the townhouse structure by 20' wide and no higher than the second floor elevation of the townhouse structure it is serving. Such deck shall not extend into a required buffer required herein.
- D. Walls and Fences. Fences and walls, including retaining walls, are subject to the requirements outlined under §430-11 and §225-61. The Board may exempt retaining walls that exceed the 6 foot height and terracing requirements noted in the design standards of §225-61 if said wall is located to the rear of a commercial building, the retaining wall height that exceeds the 6 foot standard is above the first floor elevation of said commercial building and incorporates design features such as decorative textures, colors, green wall techniques or other design features to reduce the visual monotony or mass of the wall. The wall shall not exceed a maximum height of 25 feet or have a top of wall elevation higher than the commercial building directly below the retaining wall it is to the rear of without the required terracing.
- E. Lighting.
 - (1) The use of creative lighting schemes to highlight building facades and related areas of a site shall be encouraged. Exterior neon lights and lighting generating glare and unnecessary night-glow impacts shall be prohibited.
 - (2) Whenever possible, light poles should be integrated into landscaped islands.
 - (3) All lighting shall comply with the performance standards of this Chapter and the most current standards for exterior parking areas as published by the North American Illuminance Engineering Society (NAIES).
- F. General design standards.
 - (1) Building form and mass. All buildings should relate harmoniously to the site's natural features and other on-site buildings, as well as other structures in the vicinity that have a visual relationship and orientation to the proposed buildings. Such features should be incorporated into the design of building form and mass, and assist in the determination of building orientation in order to preserve visual access to natural or man-made community focal points.
 - (2) Large horizontal buildings, i.e., buildings with a linear dimension of more than 100 feet, should be broken into segments having vertical orientation. A visual and/or physical break should be provided minimally every 50 feet linear feet. Offsets consisting of a break in the linear plan of the building of a minimum 2.5 feet shall also be incorporated. Related architectural elements which preclude a continuous uninterrupted facade building length may also be utilized to achieve a break in the linear dimension of the building walls in place of an offset if determined by the approving authority to achieve the same

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

purpose.

- (3) The relationship between the width and height of the front elevations of adjacent buildings shall be considered in the design details of a building.
- (4) Buildings with expansive blank walls are discouraged. Appropriate facade treatments should be imposed to ensure that such buildings are integrated with the rest of the development.
- (5) New buildings are encouraged to incorporate such building elements as entrances, corners, graphic panels, display windows, etc., as a means to provide a visually attractive environment.
- (6) Cornices, awnings, canopies, flagpoles, signage and other ornamental features should be encouraged as a means to enhance the visual environment. Such features may be permitted to project over pedestrian sidewalks, with a minimum vertical clearance of 8.5 feet, to within three feet of a curb.
- (7) Exterior-mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be painted the same color as the roof and, where possible, located to the rear of the building, away from the public view.

G. General landscape design and planting requirements.

- (1) Landscaping shall be provided as an integrated element of the site plan and subdivision design. It shall be conceived as a total integrated plan for the entire site, integrating the various elements of the site design, preserving the particular identity of the site and creating an aesthetically appropriate site character as determined by the Board in accordance with the standards noted herein.
- (2) Landscaping shall include plant materials such as trees, shrubs, ground cover, perennials, annuals and other materials such as rocks, water, berms, walls, fences and paving materials.
- (3) Landscaping shall be provided in public areas, adjacent to buildings, in parking areas, and around the perimeter of sites.
- (4) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking and loading areas, mitigate adverse visual impacts and provide windbreaks for winter winds and provide summer cooling for buildings.
- (5) The impact of any proposed landscaping plan at various time intervals shall be considered.
- (6) Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- (7) Slope plantings. Landscaping areas of cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot vertically to three feet horizontally shall be planted with ground covers appropriate for the purpose and soil conditions, water availability and environment.
- (8) Sight triangles. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an eight-foot branching height above grade.
- (9) In cases where natural features existing on site duplicate the planting requirements of this section, the landscape requirements may be waived by the Board.
- (10) The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment, reduce the use of pesticides and reduced irrigation.
- (11) All plant materials, planting practices and specifications shall be in accordance with the "American Standards for Nursery Stock" by the latest available American Association of Nurserymen Standards.
- (12) The design standards are minimum requirements. The Board may request additional development features exceeding these standards if conditions warrant.
- (13) Landscape Plan Content.
 - (a) A landscape plan prepared by a Licensed Landscape Architect, licensed by the New Jersey State Board of Landscape Architects, or other qualified individual, shall be submitted with each application.
 - (b) In addition to the site plan or subdivision submission requirements, the landscape plan shall include and identify the following information:
 - i. Existing and proposed underground and aboveground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. to determine if there are conflicts with these features.
 - ii. Existing wooded areas, rock outcroppings and existing and proposed water bodies.
 - iii. Location of individual existing trees noted for preservation within the area of development and 30 feet beyond the limit of the disturbance. Trees four inches in diameter (measured 4 1/2 feet above the existing ground level) shall be located and identified by name and diameter unless the wooded area is shown with a specific limit line. In this case, specimen trees shall be located within 30 feet of the limit of disturbance.
 - iv. Indicate all existing vegetation to be saved or removed.
 - v. Existing and proposed topography and location of all landscaped berms.
 - vi. Location, species and sizes of all proposed shade trees, ornamental trees, evergreen trees and shrubs and areas for turf or any other ground cover. The size of the symbol must be representative of the size of the plant shown to scale.
 - vii. A plant schedule indicating botanical name, common name, size at time

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

of planting (caliper, height and spread), quantity, root condition and any special remarks (spacing, substitutions, etc.) for all plant material proposed. Plants within the plant schedule shall be keyed to the landscape plan.

viii. Planting and construction details and specifications.

ix. Landscape water conservation irrigation measures. The plan should include the identification of the proposed landscape irrigation measures for the proposed landscaping. It shall include provisions for water conservation including, but not limited to, timers with rain or soil moisture sensors, drip irrigation for planting beds and areas of phased irrigation areas for initial plant establishment that can be zoned off following plant establishment.

(14) Site protection requirements.

(a) Topsoil preservation. . Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least four inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting. Additional topsoil shall be provided as directed by the Township Engineer. Surplus topsoil shall be removed only as directed by the Township Engineer. A soil erosion and sediment control plan shall be approved as part of the preliminary plat, in accordance with the provisions of the Township Ordinance. Editor's Note: See Ch. 225, Land Use, Subdivisions and Site Plans.

(b) Removal of debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law.

(c) Protection of existing plantings. These standards shall be coordinated with the specific requirements of the Recreation and Forestry Department of the Township. Maximum effort should be made to save specimens (because of size or relative rarity). No building material, construction equipment or temporary soil deposits shall be placed within the limit of clearing line noted above, for trees designated to be retained on the preliminary and/or final plat. Protective barriers or tree wells shall be shown on the drawing and installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers. Chain link fence may be required for tree protection if warranted by site conditions and relative rarity of the plant. Any clearing within the drip line or within six feet of the trunk of a remaining tree must be done by hand.

(15) Street trees.

(a) Street trees shall be required for any subdivision, site plan or expansion of existing uses.

(b) Street trees shall be installed within the right-of-way between the sidewalk and curb on both sides of all streets or as directed by the respective board or municipal agency. Where sidewalks are not required, street trees shall be located within the property line along a line five feet from and parallel to the street right-of-way line. The

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

spacing of street trees shall be no farther than 50 feet on center. When trees are planted at predetermined intervals along streets, spacing shall depend on tree size, as directed by the designated municipal official.

- (c) The trees shall be planted so as not to interfere with utilities, roadways, sidewalks, sight easement or streetlights. Tree location, landscaping design and spacing plan shall be approved by the Board as part of the site plan or subdivision process.
 - (d) Street tree type. Tree type may vary depending on the overall effect desired. Depending upon the length of a street or frontage, more than one variety of street tree should be provided to create biodiversity and reduce the problems associated with a monoculture planting. Trees shall be planted in groupings of similar varieties. Trees of similar form, height and character along a roadway shall be used to promote uniformity and allow for a smooth visual transition between species.
 - (e) Tree selection shall be based upon on-site conditions and tree suitability to those conditions.
- (16) Planting specifications.
- (a) Shade trees shall have a minimum caliper of 2.5 to three inches measured six inches from grade at planting, and evergreen trees shall have a minimum height of 7 to 8 feet at planting (unless as specified for buffer areas). All plant materials, planting practices and specifications shall in accordance with standards established by the American Association of Nurserymen. Trees shall be nursery-grown, free of disease, substantially uniform in size and shape and have straight trunks. The minimum branch height at planting shall be six feet, except where planting is on a sight triangle, in which case no branches shall be below eight feet.
 - (b) Trees shall be properly planted and firmly supported with two or three guyed wires attached to stakes. Pieces of rubber hose shall be used under the wires where they are attached to the trees. Wires and stakes shall be removed by the applicant after one year.
 - (c) Where a natural growth of shade trees exists on a building lot, the Engineering Department may determine whether such natural growth satisfies the intent of this chapter and, if so, the owner may not be required to provide any additional street trees.

§430-333. Off-Street Parking and Loading Requirements. Required off-street parking and loading requirements shall be as specified in Article XXXVII, except that the following uses in the RCR Overlay District are subject to the following requirements:

- A. Permitted Retail Commercial Uses, except as specifically outlined in this Section: One space per 250 square feet of gross floor area.
- B. Grocery Store, Food Market and Supermarkets. One space per 200 square feet of gross floor area
- C. Banks. One space per 200 square feet of gross floor area.
- D. Restaurants. One space per three seats or one space per 75 square feet of patron area, whichever is greater.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

E. Residential. Subject to Residential Site Improvement Standards (N.J.A.C. 5:21)

§430-334. Signs. Signs shall be as specified in Article XXXVIII, except that the following sign requirements shall be applied to the RCR Overlay District as follows:

A. Residential Signs. Refer to §430-286.

B. Commercial Development. Commercial retail and related development not otherwise described above shall be subject to the following signage regulations.

(1) Freestanding signs. One freestanding sign per street frontage entrance to identify the retail development and its occupants, not to exceed 150 square feet. The maximum sign height should not exceed 20 feet and the sign setback should be at least 15 feet or the sign height, whichever is greater.

(2) Building signs.

(a) No sign shall exceed the lesser of 1.5 square feet in area for each one foot of linear width of the front facade on which the sign is to be located or 150 square feet.

(b) All signs shall be placed on the front facade of the building adjacent to the front yard.

(c) Such signs shall advertise only such business as is conducted on the premises.

(d) Such signs shall not project more than 18 inches from the building facade to which they are attached; provided, however, that where a sign extends more than three inches from the face of the wall, the bottom edge of the sign shall not be less than 10 feet from the ground or have a vertical dimension in excess of five feet.

(e) No building sign shall be higher than 25 feet from the ground.

(f) Such signs may be internally lighted with non-glaring lights or may be illuminated by shielded floodlights and must be on and designed to be visible from the principal access frontage.

(g) One additional identifying sign shall be permitted for a business which fronts on two or more streets; provided that the total permitted sign area is not increased.

§ 430-334. Additional Standards.

All regulations and standards of this Chapter and Chapter 225 (Land Use, Subdivisions, and Site Plan) shall apply and remain in full force and effect, including but not limited to standards including, but not limited to, access; circulation; parking; loading; refuse; storm water management; utilities; landscaping; lighting; performance standards and site improvements; however, wherever there is a conflict, this Article shall apply.

§ 430-335. Application Procedure.

A. Concept Plan. An applicant may apply to the Planning Board for sketch site plan review prior to making a formal application to the Board. The specified supporting data and accompanying information shall be filed at the time of preliminary site plan application, all in accordance with the applicable sections of Chapter 225, Land Use, Subdivisions, and Site Plans.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- B. Preliminary and Final Plans. Preliminary and/or final application for development shall be made under and in accord with all regulations and procedures for a major subdivision and major site plan as set forth in Chapter 225, Land Use, Subdivisions and Site Plans.
- C. Phasing Plans. The development plan may be approved in whole or in phases, provided each phase is self-sufficient with regards to parking, access, utilities, buffering, and other site plan items.

SECTION 2. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 3. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 4. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on August 23, 2013.

Motion to accept that Ordinance 2013:28 be heard in its second and final reading by title only, by Mr. dePierro, seconded by Mr. Ferrara.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

PUBLIC HEARING 2013:28

Motion to open the public hearing for Ordinance 2013:28 by Mr. Ferrara, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

***Council President Stanton noted a three minute time limit per speaker with the Public Hearing closing at 10:30pm.**

Ed Sneickus, Township Planner (Burgis and Associates): PowerPoint Presentation for the Master Plan Consistency Report for the RCR Overlay Amendment for the POD District (text below).

- MLUL: Consistency Review: 40:55D-62 Governing body may adopt an amendment to a zoning ordinance that is, in whole or part, inconsistent with or designed to effectuate the land use plan element...with the reasons for the governing body set forth...
- Proposed RCR Overlay Zone
 - Does not replace POD District

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- Retail commercial buildings...one or more tenants
 - Multiple Uses- Regulated to Southerly Area of the Site
 - Minimum 15 acres
- Residential townhouse dwellings
 - Maximum 6 du/acre, Regulated to Northerly Area of Site
 - Minimum 5 acres, Maximum 10 acres
- Master Plan Review, Goal 1-Proper Distribution of Land Uses
 - Proposal restricts incompatible land uses and establishes the proper distribution of land uses:
 - Proposed townhouses (medium density) provides a transitional use between single-family residential (R-3 zone- moderate density) and proposed commercial.
 - Setbacks establish proper distribution of land uses to one another and surrounding neighborhoods.
- Master Plan Review, Goal 1-Preserve and Protect Residential Areas
 - Furthers goal through adequate and comparable setbacks, buffers and development standards.
 - Drainage will be required to meet standards of greater infiltration than exists today.
 - Maximum building height
 - Residential 35 feet
 - Retail is 40 feet
 - Office is 60 feet
- Master Plan Review, Goal 3- Multifamily Housing
 - Attached residential townhouse development at this location was not contemplated at the time of this prior re-examination; therefore such a proposal represents an inconsistency.
 - While inconsistent, the proposal provides:
 - A suitable alternative promoting the efficient use of land in close proximity of goods and services on Route 46,
 - A suitable population density with design standards to safeguard the public welfare uses and designed to complement one another.
 - Local and State development standards shall be satisfied (Parking and RSIS standards).
- Master Plan Review, Goal 4- Buffer Zones Separating Land Uses
 - Proposal contains sufficient and comparable buffer requirements, setbacks and performance requirements.
 - Requirements offset potential impacts of adjacent land uses consistent with established zones in the Township [PRD Zone], and in adjacent municipalities.
 - Preserving topographic ridge line along Intervale Road adequate transition to land uses and municipal boundaries.
- Master Plan Review, Goal 5- Large Scale Commercial Uses
 - Large scale commercial uses was discouraged at the time of this prior to Master Plan re-examination.
 - Large retail centers can create concerns of traffic, an increase in municipal services and expansive land use pattern if not properly regulated.
 - A retail center offers an opportunity to improve the stability of the community and zoning by adding to the range of retail, food and department store options.
 - Enhances the sustainability of existing office space.
 - High viable frontage and connections provided by state highway regional roadway corridors.
- Master Plan Review, Goal 5- Consolidated Development
 - A unified and signalized access to Waterview Blvd. provides a comprehensive approach to a unified and integrated development limiting the number of curb cuts and conflicts.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- Master Plan Review, Goal 5- Commercial Needs and Aesthetics
 - Alternative development option would add to the range of retail, food and department store options for the community.
 - Promotes the physical and aesthetic objectives through the requirement for comprehensive building and site development improvement standards.
 - Master Plan Review, Goal 6- Transitional Uses
 - Proposed residential townhouse use will provide a transition between moderate density and commercial uses.
 - It represents a proper arrangement of land uses and sufficient buffer requirements to separate and mitigate the potential effects of incompatible land uses.
 - Master Plan Review, Goal 10- Protect and Conserve Water Supply
 - Water and sewer demand was evaluated and determined that there was sufficient supply for the scope contemplated, approved and future development.
 - Uses and standards consistent with wellhead restrictions, storage will be required to conform to BMP requirements.
 - Storm water management standards
 - Wetland regulations.
 - MLUL: Consistency Review: 40:55D-62 Governing body may adopt an amendment to a zoning ordinance that is, in whole or part, inconsistent with or designed to effectuate the land use plan element...with the reasons for the governing body set forth...
 - Master Plan Consistency Summary Review, 2004 Master Plan Re-examination:
 - Specific Inconsistencies:
 - Goal 3 regarding the provision of additional multifamily housing where not prescribed.
 - Land Use Plan does not contemplate this use for the subject area therefore presents an inconsistency.
 - General Inconsistencies balanced by benefits
 - Goal 5 relating to large scale retail buildings is not encouraged, considerations offered that adequate safeguards are provided to mitigate the impacts associated with such a facility.
 - Consistencies:
 - Goal #1: proper distribution of land uses and protection of adjacent land uses.
 - Goal #4: provides adequate buffer zones too separate incompatibilities.
 - Goal #5: improves stability of community by improving the range retail options.
 - Goal #5: promotes consolidated development with a unified access.
 - Goal #5: promotes physical and aesthetic objectives
 - Goal #6: provides a transitional use to act as a buffer
 - Goal #10: protects wellhead areas, adequate capacity is available to development and will be required to meet recharge and wetland objectives.
 - The proposed overlay can be found to effectuate several objectives to the Master Plan:
 - Guide appropriate use or development of lands that will promote the general welfare.
 - Does not conflict with the development and general welfare of adjacent municipalities.
 - Appropriate population densities and concentrations that will contribute to the well-being of persons and neighborhoods.
 - Desirable visual environment through creative development techniques and good civic design and arrangements.
-

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

Gordon Meth (RBA Group): PowerPoint Presentation for the **Traffic Impact Review** for the RCR Overlay Amendment for the POD District (text below).

- Comparison of Land Development Potential

- Current Zoning
 - 259,000 sf office
- Overlay Zoning
 - 40,000 sf Grocery Store
 - 149,900 sf Other Retail
 - 60 Townhouses (6,500 sf)

- Comparison of Traffic: Morning Peak

Peak Hour Traffic (new):

	Inbound	Outbound	Total
Current Zoning:	361	50	411
Overlay Zoning:	218	179	397
Change:	-143	+129	-14

- Overall slight net reduction, with large reduction in peak direction.

- Comparison of Traffic: Evening Peak

Peak Hour Traffic (new):

	Inbound	Outbound	Total
Current Zoning:	63	306	369
Overlay Zoning:	303	297	600
Change:	+240	-9	+231

- Slight reduction in peak direction, increase in off-peak direction.

- Comparison of Traffic: Saturday Peak

Peak Hour Traffic (new):

	Inbound	Outbound	Total
Current Zoning:	61	52	113
Overlay Zoning:	373	288	661
Change:	+312	+236	+548

- Change is comparable to peak traffic from a 250,000 square foot office building.
- Note that Saturday traffic volumes on Route 46 and Waterview Blvd. are about 45% of weekday peak hours.

- Traffic Impacts

Route 46 & Waterview Blvd:

- Increase in delays for left turns from Waterview Blvd.
- Would be an issue for any development under current zoning
- Could be addressed through adding left turn arrows and a southbound right turn lane and retiming signal.
- Delay would be better than existing case (less than 1 minute).

Other locations:

- Small increases in delay due to increased traffic.
- Could be addressed through signal retiming.

- Other Engineering Issues: Stormwater/NJDEP

- Any development of the property in question would be required to detain stormwater on site, and have less peak stormwater run-off than existing case.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- Any development of the property in question would be required to submit applications to NJDEP for wetlands or floodplain if these are distributed in any way.

Joseph Burgis (Burgis and Associates): PowerPoint Presentation for the Fiscal Impact Analysis for the RCR Overlay Rezoning (text below).

- Introduction
 - **Purpose:** To assess fiscal implications of proposed rezoning to enable:
 - 60 Townhouses (2,500 sq feet each)
 - 190,000 Square Feet of Retail Space
 - **Analysis**
 - Projected # residents
 - Projected # children
 - Projected # jobs
 - Tax ratable and taxes generated
 - Cost revenue analysis
 - Resident retail trade expenditures
 - Fees
- Two Methodologies
 - Per Capita Approach: Assess per person and student costs on individual budgetary components (this method overestimates costs)
 - Customized Approach: Recognizes certain budgetary components are not directly affected by population and/or student increases.

(Formulas used are from the Rutgers University Center for Urban Studies.)

- Current Population: 53,709 (per the 2010 Census information)
- Projected Population: 53,851
 - Increase of .26%, approximately 142
- Estimated Children/Employment Numbers (Anticipated Increases)

- **Children**

Grade	Approx. # of Children
Pre-School	13
K-5	5
6-8	2
9-12	3
Total	23

- **Employment:** Approximate # of Employees Generated: 285

- Anticipated Tax Revenues (Anticipated Increase)

Tax Category	Tax Rate	Est. Annual Tax Revenue
Municipality	\$0.556	\$245,559
Local Open Space	\$0.017	\$7,508
County	\$0.286	\$126,314
County Open Space	\$0.019	\$8,392
Local School	\$1.638	\$723,429
Local Library	\$0.041	\$18,108
Fire District 6	\$0.018	\$7,949
TOTAL		\$1,137,259

**Based upon Total Equalized Value: \$44,165,654*

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

• Municipal Budget Summary

Appropriate Category	Amount	Percent
General Government	\$12,766,002	18.50
Public Safety	\$14,908,720	21.60
Public Works	\$5,651,642	8.20
Utilities and Solid Waste Disposal	\$4,085,150	5.90
Health and Welfare	\$1,178,123	1.70
Parks and Recreation	\$2,331,541	3.40
UCC Appropriations Offset by Dedicated Revenue	\$1,500,000	2.10
Unclassified	\$20,000	.03
Contingent	\$15,000	.02
Deferred Charges/Statutory Expenses	\$4,980,415	7.20
Total Government Operations within CAPS	\$47,436,593	68.70
Public/Private Programs Offset by Revenue	\$7,425,329.21	10.80
Capital Improvement Fund	\$386,850	.56
Debt Service	\$7,420,060	10.70
Deferred Charges/Statutory Expenses excluded from CAPS	\$646,799	.94
Other Operations	\$3,783,922	5.50
Interlocal Agreement	\$93,750	.14
Total Operations excluded from CAPS	\$19,756,710.21	28.60
Reserved for Uncollected Taxes	\$1,800,000	2.70
TOTAL	\$68,993,303.21	100%

• Estimated Per Unit Costs

Use	Number of Residents Or Employees	Per Capita Cost
Residential	142	\$593.78
Nonresidential	285	\$185.34

• Summary of Anticipated Costs and Revenues Based on Per Capita Methodology

Category	Revenue	Cost	Net
Municipal*	\$279,124	\$137,138	\$141,986
School	\$723,429	\$130,280	\$593,149
TOTAL	\$1,002,553	\$267,418	\$735,135

*Municipal includes municipal, local open space, library and fire district

• Summary of Anticipated Costs and Revenue

Category	CUPR PER CAPITA METHODOLOGY			ALTERNATIVE METHODOLOGY	
	Revenue	Cost	Net Surplus	Cost	Net Surplus
Municipal	\$279,100	\$137,100	\$142,000	\$96,300	\$182,800
School	\$723,400	\$130,300	\$593,100	\$25,000	\$698,400
TOTAL	\$1,002,500	\$267,400	\$735,100	\$121,300	\$881,200

• Per Capita Retail Trade Expenditure

- Average Household retail Trade Expenditure: \$24,665
- Total Proposed Dwelling Units: 60
- Total Expenditures: \$1.47 million

• Site Development Fees

- Building Subcode Fee: \$286,100
- Electrical, Plumbing and Fire Subcode Fees: \$25,000
- Sewer and Water Connection Fees: \$1.11 million
- Total: \$1.4 million

*Anticipated fees to be received over a projected three year build-out of the project

*Source: Parsippany Building Dept., Sewer and Water Dept.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

Council Questions:

- **Mr. dePierro**: asked what the square footage is per townhome. Mr. Sneickus responded that it is approximately 2,500 square feet per townhome.
- **Mr. Stanton**: asked why the poll that was released stated there will be 536 jobs created when he is calculating 285. Mr. Burgis explained that the 536 number came from the developer's planner's report who used the COAH multiplier. He is more comfortable to use a more conservative approach.
- **Mr. Carifi**: Disputed the peak hour times for the proposed development since those hours are only for rush hour times for an office complex and not for an all day shopping center. He also asked why a study was not conducted for Sundays. Mr. Meth responded that the Saturday peak hour is what they deem as higher hour that they analyze for the weekend and it's the hour in which the highest traffic occurs on the weekend and the highest trip generation happens. The presumption is that if that time works then every other hour works.
- **Mr. Nelson**: asked what percentage of the \$69 million revenue stream is the projected \$245,000 gross revenue from the project. Mr. Burgis responded that it is relatively a small percentage.
- **Mr. Ferrara**: asked if the projected revenue is only if the development is fully occupied. Mr. Burgis responded in the affirmative.
- **Mr. Stanton**: expressed concerns with provisions that are inconsistent with the Master Plan and that this will set a precedent to overlook the Master Plan for future projects. Mr. Sneickus responded that this is a provision of the Municipal Land Use Law which allows you to take a look at something that might be inconsistent with the prescribed zoning that was established at one point in time. Things change over time and you have to respond to those things as is permitted in the MLUL. Better to just amend the Master Plan.
- **Mr. Carifi**: expressed concern that the increased costs for matters public safety and crime were not included in the municipal budget summary. (How many more officers will be needed and the effects on the EMS.) Mr. Burgis responded that they did not do this type of evaluation but with the added 142 residents, this type of project would not generate the need for an additional police officer. The State estimate for suburban municipalities like Parsippany is one police officer per 500 residents is required. Mr. Carifi requested that a study be conducted to assess the impact of emergency responses to such a commercial facility.

Mr. Stanton called for a 5 minute recess.

Motion by Mr. Carifi seconded by Mr. Ferrara to re-convene the meeting.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

- **Sigmund Balaban**, 10 Grecian St, Parsippany: expressed concerns that the traffic impact study did not include delays generated by 18-wheelers and school busses. He also stated his belief that re-zoning of Waterview and development project project will have a negative environmental impact and his belief that another supermarket is not needed.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- Arne Berg, 383 E. Halsey St, Parsippany: spoke in support of the re-zoning for the jobs and ratables the development project would bring to the Township.
- Mary Purzycki, 273 Marcella Rd, Parsippany: expressed concerns that the traffic impact study and other presentations were slanted in favor of the development. She stated that traffic impact studies for past developments would show minimal impact but in her opinion, the actual traffic would be worse.
- Robert F. Simon, Esq., Herold Law, 25 Independence Blvd., Warren: presented yesterday to the Township Clerk's office numerous documents including a protest petition. By presenting a protest petition, the Waterview re-zoning ordinance now requires a 2/3 majority affirmative vote to be adopted. He also spoke about the following: the ordinance and the flaws he believes to have found in it; the Planning Board hearing concept review and his opinion that that process was in conflict with the law; his objections to the three minutes allotted to the each experts hired by the Citizens Group; his opinion that the Township Planner has a conflict of interest because he also advises the planning board; and concerns that re-zoning the Waterview property is spot-zoning.
- Boris Kushkuley, Ph.D., 116 Kenilworth Rd, Mountain Lakes: provided expert advice on behalf of the Citizens Group for the how the he helped calculate the area around the Waterview property for a determination of the amount of signatures required for the protest petition.
- Elliott Ruga, Senior Policy Analyst, NJ Highlands Coalition, Boonton: provided expert advice on behalf of the Citizens Group for environmental concerns related to Highlands Master Plan and drainage basins.
- Keith L. Merl, PE, CPESC, Princeton Hydro, 1108 Old York Rd, Ringoes, NJ: provided expert advice on behalf of the Citizens Group for matters pertaining to environmental concerns relating to wellhead protection areas and their tiers and proximity of the Waterview property to the Ramapo fault. He also spoke about the need for more setbacks and retaining walls.
- Gary W. Dean, P.E., P.P., Dolan & Dean, 792 Chimney Rock Rd, Martinsville: provided a traffic impact study on behalf of the Citizens Group.
- Peter G. Steck, Community Planning Consultant, 80 Maplewood Ave, Maplewood: provided expert advice on behalf of the Citizens Group pertaining to the Waterview re-zoning ordinance. He expressed concerns for what he believes to be procedural defects with the ordinance and spot-zoning. He also expressed concerns for what he believes to be inconsistencies with the Township's Master plan.
- Curtis Hardenburg, 85 Red Gate Rd, Parsippany: expressed concerns with the zoning ordinance relating to economic impact and concerns that the townhouses will generate a higher number of schoolchildren.
- Nick Homyak, 26 Oneida Ave, Parsippany: expressed concerns about the environmental impact of the re-zoning and development of the Waterview property.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- Stephanie D. Eckert, 320 East Halsey Rd, Parsippany: expressed concerns with over-development of the Township.
- Philip Kornreich, 70 Forest Dr., Parsippany: spoke against the re-zoning of the Waterview property and expressed concerns for the way the development will alter the surrounding neighborhood.
- Ashley Kornreich, 70 Forest Dr., Parsippany: expressed concerns about over-crowding in the schools that may happen as a result of the re-zoning of the Waterview property. She also expressed concerns with noise and pollution.
- Frank Gengaro, 27 Homer St, Parsippany: expressed concerns with flooding that may occur with the re-zoning and development of the Waterview property.
- Gary R., 464A UFCW: expressed concerns that the jobs to be generated will be filled by non-Parsippany residents and asked that the Council not vote in favor of the ordinance.
- Forrest Pawling, III, 4 Glen Brook Dr., Parsippany: expressed concerns that the proposed development will adversely affect the water quality of the area.
- Andrew Liput, 2 Craven Rd, Mountain Lakes: expressed concerns about adverse effects the proposed development may have on Mountain Lakes residents.
- Mark Miller, 115 Preston Rd, Parsippany: expressed concerns with flooding, water run-off into rivers and watersheds and the number of trees that will be cut down for the proposed development.
- Nancy du Tertre, Esq., 41 Lake Dr., Mountain Lakes: expressed concerns about what she believes is uncontrolled economic development, big-box stores and jobs, Master Plan inconsistencies, and office market versus retail market.
- Manoj Sheth, 69 Forrest Dr., Parsippany: expressed concerns over the inconsistencies with the Master Plan that the proposed development has.
- Pat Petaccia, 182 Hawkins Ave, Parsippany: expressed concerns with the following: inconsistencies with the Master Plan; concerns that the new employment opportunities will be minimum wage jobs; why the Police Chief wasn't asked to prepare a report on crime analysis, emergencies and traffic impact; will tax breaks be offered to the developer.
- Andrew Springer, 649 Littleton Rd, Parsippany: stated his belief that there are enough grocery stores in and around the Township and no more are needed. He asked if the uses in the ordinance are needed and if the Waterview Blvd. which was recently repaved will have to be torn up during the building phase.
- Stephen Arnold, 4 Craven Rd, Mountain Lakes: expressed concerns with the Master Plan inconsistencies, goals and objectives and asked why Goals 7, 8 and 10 were not included in the report.
- Eileen Hoffman, 47 Forest Dr., Parsippany: expressed concerns that the proposed development will decrease her property value.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- Jill Cerullo, 4 Doremus Dr., Parsippany: expressed concerns that the proposed development will increase traffic in her neighborhood and affect the quality of life for herself and her children.
- Sree Menon, 6 Pine Tree Place, Parsippany: asked for a referendum for the Township to purchase the property to keep it as open space.
- David Kaplan, 263 Intervale Rd, Parsippany: expressed concerns that the developer never asked to meet with the residents of the affected neighborhood to make concessions. He further expressed concerns that the developer is not giving enough information and that the survey they commissioned reflects a conflict of interest.
- Rhonda Brock-Pritchard, 11 Glen Rd, Parsippany: asked the Council to maintain the tract of land as is and not to allow the developer to cut down trees and destroy the habitat.
- Raymond Webb, 50 Hillside Lane, Parsippany: expressed concerns about the Master Plan inconsistencies and his belief that the Planning Board treating this issue as a business matter and not caring about the people of the Township.
- Allison Danchak, 41 Forest Dr., Parsippany: expressed concerns with the fiscal analysis, the Master Plan inconsistencies, environmental impact, increased crime and quality of life issues.
- Mike Pulsinelli, 50 Parsippany Dr., Parsippany: asked who is paying for the professionals for the ordinance that spoke during the public session.
- Jackie Bay, 430 Morris Ave, Mountain Lakes: responded that the professionals were paid for by the Citizen's group by funds that they raised. She then expressed concerns that no study was done on the impact this development will have on property values.
- John Mitros, 7 Sherwood Dr., Mountain Lakes: expressed concerns that the proposed development will decrease the value of his home.

Motion to carry the public hearing for Ordinance 2013:28 to October 1, 2013 at Parsippany Hills High School to continue at 7:00pm by Mr. Carifi, seconded by Mr. Nelson.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

Council President Stanton called a 5 minute Recess.

Motion by Mr. Nelson seconded by Mr. Carifi to Re-Convene the Meeting.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

ORDINANCE 2013:29

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING THE TOWNSHIP OF PARSIPPANY-TROY HILLS CODE SECTIONS 4-34 FEES GOVERNING SERVICES RENDERED BY OFF-DUTY POLICE OFFICERS, AND 405-7 TRAFFIC CONTROLS FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS FOR MUNICIPAL ROADS

WHEREAS, the hiring of off-duty Police Officers for security and traffic details promotes the health, safety, and welfare of drivers, pedestrians, and the citizens of the Township of Parsippany-Troy Hills; and

WHEREAS, the control of traffic in and around roadway construction areas promotes the safety and welfare of both drivers and work crews.

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

SECTION 1. Section 4-34 of the Township Code, Fees governing services rendered by off-duty police officers, is hereby amended as follows:

A. The fees for full-time Police Officers of the Township of Parsippany-Troy Hills for off-duty services shall be as follows:

(1) All off-duty (per hour rate):

- (a) Regular rate: \$65.00.
- (b) Premium rate: \$85.00.
- (c) Discounted regular rate: \$50.00.
- (d) Discounted premium rate: \$75.00.

(2) Effective January 1, 2015, the off-duty per hour rate) shall be:

- (a) Regular rate: \$70.00.
- (b) Premium rate: \$97.50.
- (c) Discounted regular rate: \$50.00.
- (d) Discounted premium rate: \$75.00.

B. Services performed by off-duty full-time Police Officers of the Township of Parsippany-Troy Hills shall be billed at a minimum duration of four (4) hours up to the fourth (4th) hour worked at the regular rate. All work in excess of four (4) hours will be billed at a minimum duration of eight (8) hours up to the eighth (8th) hour work at the regular rate. Any work in excess of eight (8) hours will be billed in two (2) hour segments at the premium rate. The premium rate shall also be billed for any work that is performed on those holidays observed by the Parsippany-Troy Hills Police Department.

C. Notwithstanding the provisions of subsection B herein, a discounted regular rate shall be charged for the first eight (8) hours of any shift to any person, firm, or corporation, including any public utility, who hires off-duty full-time Police Officers of the Township of Parsippany-Troy Hills for a minimum of four (4) hours per day, five (5) days per week, every week, for a minimum of six (6) consecutive months. To qualify for the discounted regular

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

rate, the necessary quantity of hours for the entire six (6) month period must be contracted for at least fourteen (14) days in advance of the first day of the applicable six (6) month period. For all persons or entities that qualify for the discounted regular rate, the discounted premium rate shall be charged for each hour worked on a holiday observed by the Township of Parsippany-Troy Hills Police Department and for each hour worked in excess of eight (8) on a single shift.

D. Any work requiring the use of a marked vehicle will be billed to the employer at the following rate.

(1) Use of a marked vehicle:

(a) Up to four-hour shift: \$50.

(b) Four- to eight-hour shift: \$100.

E. Failure to notify the police department a minimum of two hours prior to a scheduled off-duty job, or if the police officer reports to the scheduled job and the contractor cancels, the contractor will be charged a minimum of four (4) hours at the appropriate rate.

F. There shall be an additional charge of \$10 per hour to offset administrative charges.

G. All work will be paid for in advance and deposited in an escrow account to be held with the Finance Department of the Township of Parsippany-Troy Hills, with the exception of work performed for the Parsippany Board of Education, the Township and the New Jersey Department of Transportation and work related to emergencies.

SECTION 2. Section 405-7(C) of the Township Code, Traffic controls for street and highway construction and maintenance operations for municipal roads, is hereby amended as follows:

C. Required Hiring of off-duty full-time Police Officers as Traffic Directors.

3) Any construction on or within, or maintenance to, any Township roadway, such construction or maintenance including but not limited to roadway excavation, requiring the detour of traffic into a lane not otherwise designated for such traffic, or requiring the closure of the roadway, shall require the hiring of a minimum of one off-duty full-time Police Officer.

4) Any work conducted on, under or above any Township heavily traveled roadway, as defined in Section E below, or any work adjacent to a Township heavily traveled roadway, which will obstruct, interfere with and/or detour traffic on the roadway, shall require the hiring of a minimum of one off-duty full-time Police Officer.

5) It shall be the responsibility of any person, firm or corporation, including any public utility as required under the public utility agreement, N.J.A.C. § 16:25-9.2, wishing to conduct work on, under or above the roadway or any work adjacent to the roadway that will obstruct, interfere with and/or detour traffic on the roadway to contact the Traffic Section of the Police Department prior to the start of any such work in order to arrange a preconstruction meeting for the submission of plans for the safe movement of traffic during such periods of construction of work.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- 6) The preconstruction meeting must occur three or more working days prior to the planned construction or work. "Working days" shall be any day the Township Clerk's office is open. These preconstruction meetings shall be arranged with the Traffic Section of the Police Department.
- 7) Such plans, including the proposed number of off-duty full-time Police Officers to be hired pursuant to this Section, shall require approval by the Traffic Section of the Police Department. This requirement shall be in addition to any other permit or other approval required by any other federal, state or municipal law, ordinance or regulation.
- 8) The occurrence of a preconstruction meeting as described above shall not relieve the person, firm or corporation, including a public utility, planning construction or work upon or near a roadway within the Township of its duty to fully comply with any other requirements, terms or preconditions established by the Township in reference to proposed construction or work upon or adjacent to roadways within the Township.
- 9) Any person or entity failing to submit and secure approval for its traffic control plans prior to the start of such work shall be deemed to be in violation of this subsection.
- 10) The requirements of Section C herein shall not apply to any construction on or within, or maintenance to, any Township roadway, or any work conducted on, under or above any Township heavily traveled roadway when such construction, maintenance, or work is performed by the Township or its designated agents and a traffic management plan for such construction has been approved by the Traffic Section of the Police Department.

SECTION 3. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 4. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 5. All Ordinances or parts of Ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as provided by law.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on August 23, 2013.

Motion to accept that Ordinance 2013:29 be heard in its second and final reading by title only, by Mr. Ferrara, seconded by Mr. dePierro.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

PUBLIC HEARING 2013:29

Motion to open the public hearing for Ordinance 2013:29 by Mr. Carifi, seconded by Mr. Ferrara.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

***Council President Stanton noted a three minute time limit per speaker.**

- Pat Petaccia, 182 Hawkins Ave: expressed concerns that the off-duty dollar amount rates to be paid to the officers are too high for “just standing there”.

Motion to close the public hearing for Ordinance 2013:29 by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above by Mr. Ferrara, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

ORDINANCE 2013:30

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 430, ZONING, OF THE CODE OF TOWNSHIP OF PARSIPPANY-TROY HILLS ESTABLISHING PROHIBITED USES IN RESIDENTIAL DISTRICTS AND ESTABLISHING VIOLATIONS AND PENALTIES

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the State Legislature has vested municipalities with the authority to adopt and amend zoning ordinances; and

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) has adopted zoning ordinances setting forth prohibited uses in residential zones throughout the Township; and

WHEREAS, the Township desires to curtail the use of single-family detached houses as boarding homes in all residential districts.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey as follows:

SECTION 1. Section 430-8 of the Township Code, Terms defined, is hereby amended to include the following definition:

BOARDING HOUSE

Any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single room occupancy, including any congregate living arrangement, but excluding any hotel, motel or established guest house wherein a minimum of 85% of the units of dwelling space are offered for limited tenure only, any resource family home as defined in section 1 of P.L.1962, c. 137 (N.J.S.A. 30:4C-26.1), any community residence for the developmentally disabled and any community residence for the mentally ill as defined in section 2 of P.L.1977, c. 448 (N.J.S.A. 30:11B-2), any adult family care home as defined in section 3 of P.L.2001, c. 304 (N.J.S.A. 26:2Y-3), any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary or higher education for the use of its students, any building arranged for single room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at an institution of higher education approved by the New Jersey Commission on Higher Education, any facility or living arrangement operated by, or under contract with, any State department or agency, upon the written authorization of the commissioner, and any owner-occupied, one-family residential dwelling made available for occupancy by not more than two (2) guests, where the primary purpose of the occupancy is to provide charitable assistance to the guests and where the owner derives no income from the occupancy, provided that the occupancy complies with the maximum occupancy limitations set forth in Chapter 213 of this Code.

SECTION 2. Section 430-39 of the Township Code, Prohibited Uses, is hereby amended as follows:

Any uses which are not specifically authorized as permitted uses, accessory uses or conditional uses are prohibited.

A. The following uses are expressly prohibited:

- 1) Kennels, as defined in Chapter 91, Animals, Article I, Animal Control; Licensing of Dogs, of the Code of the Township of Parsippany-Troy Hills.
- 2) Boarding houses, as defined in Section 430-8 herein, regardless of whether or not meals are served.

SECTION 3. Section 430-299 of the Township Code, Violations and penalties, is hereby amended as follows:

- A. Any person, firm, or corporation who or which shall violate any of the provisions of this chapter or of any detailed plan submitted and approved hereunder or as otherwise provided in § 430-298, Separate violations shall, upon conviction, be punished by one or more of the following:

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- 1) A fine not less than \$100 but not exceeding \$2,000 for each violation of any provisions of this chapter and for each day the violation persists.
 - 2) Imprisonment in the county jail for a period not to exceed ninety (90) days.
 - 3) A period of community service not to exceed ninety (90) days.
- B. Any person, firm or corporation who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.
- C. Any person, firm or corporation fined an amount greater than \$1,250 for a violation of housing or zoning codes shall be provided a thirty (30) day period to cure or abate the violation and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the thirty (30) day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 4. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 5. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 6. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on September 3, 2013.

Motion to accept that Ordinance 2013:30 be heard in its second and final reading by title only, by Mr. Carifi, seconded by Mr. Ferrara.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

PUBLIC HEARING 2013:30

Motion to open the public hearing for Ordinance 2013:30 by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:30 by Mr. Carifi, seconded by Mr. Nelson.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above by Mr. Carifi, seconded by Mr. Nelson.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

PUBLIC HEARING

Motion to open the public hearing by Mr. Carifi Seconded by Mr. Nelson.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

***Council President Stanton noted a five minute time limit per speaker with a 30 minute limit on the Public Hearing.**

- Pat Petaccia, 182 Hawkins Ave: asked if a response has been sent to the ACLU. Mr. Inglesino responded that the Township is expecting a revised letter from the ACLU to respond to by the end of this week. There is no need to respond to the initial letter. Ms. Petaccia then asked if sewer and water surplus money will be used to balance the budget next year.

Motion to close the public hearing by Mr. Carifi Seconded by Mr. Ferrara.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

CONSENT AGENDA

BE IT RESOLVED, all items listed with an asterisk (*) are considered to be routine and noncontroversial by the Township Council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Motion to approve the Consent Agenda by Mr. Stanton seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

Minutes for Approval:

* Special (Budget Review) Meeting of 04/1/2013

Resolutions:

- R2013-185*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving an Emergency Agreement With S. Coraluzzo Co., Inc. for the Emergency Delivery of Diesel Fuel Needed for Township Vehicles and Generators During Hurricane Sandy for the Total Sum of \$21,860.97
- R2013-186*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving Emergency Agreement with Freshwater Well and Pump Service for the Replacement of Parts and Repair of the Vertical Turbine Pump at Well 17 for the Total Sum of \$17,819.00
- R2013-187*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Rescinding Resolution No. R2013-176
- R2013-188*** Resolution of the Township Council of the Township of Parsippany – Troy Hills Authorizing the Expenditure of Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund Monies for Baldwin House, Bowlsby- Degelleke House and Littleton School House
- R2013-189*** Resolution of the Township Council of the Township of Parsippany-Troy Hills recognizing St. Peter the Apostle Church for their 75th Anniversary
- R2013-190*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Granting Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Highway Safety Fund Application 2013 Project Supporting Safe Corridors
- R2013-191*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Addition of a Bus Stop Along Route 46 – Intersection of Lackawanna Avenue
- R2013-192*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Addition of a Bus Stop Along Route 10 at South Powder Mill Road

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- R2013-193*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Submittal of a Municipal Aid Grant Application to the New Jersey Department of Transportation for the Vail Road Improvement Project
- R2013-194*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Release of the Performance Guarantee for KF Schoolhouse – Block 202 Lot 1.05
- R2013-195*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Release of the Performance Guarantee for GlaxoSmithKline – Block 181 Lot 19
- R2013-196*** Governing Body Certification of the Annual Audit – 2012
- R2013-197*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving the Corrective Action Plan for the 2012 Audit
- R2013-198*** Resolution of the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey Providing a Recap of a Meeting with Primary Sponsor Senator Joseph Pennacchio Regarding Amendments to Senate Bills 2511 And 2512

APPLICATION(S)

- R2013-199*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving a New Limousine License for Airlinks Limo & Taxi, LLC

R2013-185: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING AN EMERGENCY AGREEMENT WITH S. CORALUZZO CO., INC. FOR THE EMERGENCY DELIVERY OF DIESEL FUEL NEEDED FOR TOWNSHIP VEHICLES AND GENERATORS DURING HURRICANE SANDY FOR THE TOTAL SUM OF \$21,860.97

WHEREAS, the Township Council is obligated to provide funds and ratify emergency agreements which are entered into by the Township in accordance with N.J.S.A. 40A:11-6; and

WHEREAS, such an agreement was entered into between the Township and S. Coraluzzo Co., Inc. for emergency delivery of diesel fuel needed for township vehicles and generators to keep various township facilities and pump stations running during Hurricane Sandy; and

WHEREAS, the Chief Financial Officer has certified to the availability of funds; and

WHEREAS, the Director of Public Works has certified as to the existence of the emergency.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, and State of New Jersey, that a certain emergency agreement with S. Coraluzzo Co., Inc., 1713 North Main Road, P.O. Box 1360, Vineland, NJ 08362 be entered into for emergency delivery of diesel fuel needed for township vehicles and generators to keep various township facilities and water pump stations running for the sum of \$21,860.97 is hereby ratified and approved; and

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

R2013-186: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING EMERGENCY AGREEMENT WITH FRESHWATER WELL AND PUMP SERVICE FOR THE REPLACEMENT OF PARTS AND REPAIR OF THE VERTICAL TURBINE PUMP AT WELL 17 FOR THE TOTAL SUM OF \$17,819.00

WHEREAS, the Township Council is obligated to provide funds and ratify emergency agreements which are entered into by the Township in accordance with N.J.S.A. 40A:11-6; and

WHEREAS, the Township's largest producing well (Well 21) was temporarily out of service due to the Township's well redevelopment project and it was discovered that Well 17 was running, but not pumping and the repair of Well 17 became an emergent need; and

WHEREAS, such an agreement was entered into between the Township and Freshwater Well and Pump Service to provide parts and service to repair the failed vertical turbine pump at Well 17.

WHEREAS, the Chief Financial Officer has certified to the availability of funds; and

WHEREAS, the Director of Municipal Utilities has certified as to the existence of the emergency.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, and State of New Jersey that a certain emergency agreement with Freshwater Well and Pump Service, P.O. Box 468, Frenchtown, New Jersey 08825 be entered into to replace parts and repair the vertical turbine pump at Well 17 for the sum of \$17,819.00 is hereby ratified and approved; and

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

R2013-187: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS RESCINDING RESOLUTION NO. R2013-176

NOW, THEREFORE, BE IT RESOLVED, by the Township of Parsippany-Troy Hills Township, County of Morris, and State of New Jersey, as follows:

1. Resolution 2013-176 entitled, Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Addition of Bus Stops Along Route 46 – Intersection of Lackawanna Avenue, was adopted by the Mayor and Township Council on August 20, 2013.
2. Said Resolution number 2013-176 is hereby rescinded.

R2013-188: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY – TROY HILLS AUTHORIZING THE EXPENDITURE OF MUNICIPAL OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND MONIES FOR BALDWIN HOUSE, BOWLSBY- DEGELLEKE HOUSE AND LITTLETON SCHOOL HOUSE

WHEREAS, Ordinance No. 2012-10 authorizes the expenditure of Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Funds for the development of lands acquired for recreation and conservation purposes and for historic preservation of historic properties, and

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

WHEREAS, in addition to general maintenance, interior and exterior repairs are needed at the Bowsby-DeGeleke House, Littleton School House and Baldwin House museums, including

1. Bowsby-DeGeleke House
 - a. Repairs to the basement windows and door, and construct storage area.
 - b. Painting of the exterior
 - c. Repair exterior sidewalk
 - d. Replace hot water heater
2. Littleton School House
 - a. Repair chimney
 - b. Repairs to heating system
3. Baldwin House
 - a. Painting of exterior
 - b. Repairs to windows
 - c. Repairs to interior walls, doors, molding and floors where needed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that it hereby authorizes the expenditure of Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Funds as follows:

Historic Preservation:	
Bowsby-DeGeleke House	\$30,000
Littleton School House	\$20,000
Baldwin House	\$45,000

R2013-189: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS RECOGNIZING ST. PETER THE APOSTLE CHURCH FOR THEIR 75TH ANNIVERSARY

BE IT RESOLVED by the Township Council of the Township of Parsippany- Troy Hills, in the County of Morris, and State of New Jersey, that it hereby recognizes and honors Saint Peter the Apostle Church for being a pillar of the community for 75 years.

WHEREAS, Saint Peter's was founded by Bishop Thomas McLaughlin on June 29, 1938 to meet the ever increasing needs of the Parsippany Catholic population, with parish development continuing under numerous church leaders; and

WHEREAS, through the years, as the ministries experienced growth, so did the church congregation, creating the need for Catholic education, whereby the Saint Peter's School was constructed and opened to the parish children in 1959; and

WHEREAS, expansion has continued with the new church building dedicated on February 20, 1988, and the merging of two schools to create the new All Saints Academy in September 2009; and

WHEREAS, Saint Peter the Apostle Church has provided spiritual guidance and support to a parish that has become as diverse as the Township of Parsippany itself.

NOW THEREFOR BE IT RESOLVED, that the Township Council acknowledges the importance of Saint Peter the Apostle Church to the Parsippany community and congratulates them for reaching this significant milestone.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

R2013-190: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS GRANTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HIGHWAY SAFETY FUND APPLICATION 2013 PROJECT SUPPORTING SAFE CORRIDORS

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as HSF-2013-Parsippany-Troy Hills Township-00032 to the New Jersey Department of Transportation on behalf of the Township of Parsippany-Troy Hills; and

BE IT FURTHER RESOLVED that The Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Parsippany-Troy Hills and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; and

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

R2013-191: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE ADDITION OF A BUS STOP ALONG ROUTE 46 – INTERSECTION OF LACKAWANNA AVENUE

WHEREAS, New Jersey Transit has received a request to add a bus stop on Route 46 in the vicinity of Lackawanna Avenue; and

WHEREAS, New Jersey Transit has investigated this request and recommended the new bus stop location; and

WHEREAS, the Township of Parsippany-Troy Hills has requested the bus stop be made official; and

WHEREAS, the New Jersey Department of Transportation requires a resolution approving the installation of bus stops from the Township; and

WHEREAS, the Township Engineer has reviewed the request and recommends the relocation of the bus stop on Route 46.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey as follows:

1. That the Mayor and Township Council approve the addition of the following bus stop and that the new location is designated as a bus stop location pursuant to N.J.S.A. 39-4-8(e):

Added:

Along Route 46, eastbound, on the southerly side thereof at:

- a. Lackawanna Avenue- Near Side

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

Beginning at the westerly curb line of Lackawanna Avenue and extending 105 feet westerly therefrom.

2. That the Township will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.
3. That this resolution shall take effect immediately.

R2013-192: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE ADDITION OF A BUS STOP ALONG ROUTE 10 AT SOUTH POWDER MILL ROAD

WHEREAS, New Jersey Transit has received a request to add a bus stop on Route 10 in the vicinity of Powder Mill Road; and

WHEREAS, New Jersey Transit has investigated this request and recommended the new bus stop location; and

WHEREAS, the Township of Parsippany-Troy Hills has requested the bus stop be made official; and

WHEREAS, the New Jersey Department of Transportation requires a resolution approving the installation of bus stops from the Township; and

WHEREAS, the Township Engineer has reviewed the request and recommends the relocation of the bus stop on Route 10.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey as follows:

1. That the Mayor and Township Council approve the addition of the following bus stop and that the new location is designated as a bus stop location pursuant to N.J.S.A. 39-4-8(e):

Added:

Along Route 10, westbound, on the northerly side thereof at:

- b. South Powder Mill Road (Near Side)
Beginning at the easterly curb line of South Powder Mill Road and extending 105 feet easterly therefrom.
 2. That the Township will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.
 3. That this resolution shall take effect immediately.
-

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

R2013-193: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE SUBMITTAL OF A MUNICIPAL AID GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE VAIL ROAD IMPROVEMENT PROJECT

WHEREAS, the Township of Parsippany-Troy Hills is requesting a Municipal Aid grant from the New Jersey Department of Transportation for the Vail Road Improvement Project; and

WHEREAS, the estimated cost of the project is \$640,765.00; and

WHEREAS, the grant request is in the amount of \$640,765.00; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey as follows:

1. The Township Council supports, and authorizes the submittal of, the aforementioned electronic grant application identified as MA-2014-Parsippany-Troy Hills Township-00285 to the New Jersey Department of Transportation on behalf of the Township of Parsippany-Troy Hills; and
2. The Mayor and Township Clerk are hereby authorized to execute the grant agreement on behalf of the Township of Parsippany-Troy Hills and that their signature constitutes acceptance of the terms and conditions of the grant agreement; and
3. The appropriate officials are authorized to take whatever other steps necessary to complete the grant application and meet other grant requirements.
4. This resolution shall take effect immediately.

R2013-194: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE FOR KF SCHOOLHOUSE LLC – BLOCK 202 LOT 1.05

WHEREAS, KF Schoolhouse LLC posted a performance guarantee in the form of a Letter of Credit from PNC Bank National Association Reference No. 18119144-00-000 in the amount of \$80,320.85 with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey in connection with the Final Site Plan for KF Schoolhouse LLC located at 7 Century Drive, Block 202 Lot 1.05, Application #12:509; and

WHEREAS, Justin Lizza, Municipal Engineer, recommended in a report to the Township Council, dated September 5, 2013 that said performance guarantee be released as the site work has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that PNC Bank National Association Letter of Credit Reference No. 18119144-00-000 posted by KF Schoolhouse LLC be and the same is hereby released.

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

R2013-195: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE RELEASE OF THE PERFORMANCE GUARANTEE FOR GLAXOSMITHKLINE – BLOCK 181 LOT 19

WHEREAS, GlaxoSmithKline, LLC posted a performance guarantee in the form of a Letter of Credit from Citibank, N.A. Reference No. 63666343 in the amount of \$90,135.60 with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey in connection with the Final Site Plan for GlaxoSmithKline, LLC located at 1500 Littleton Road, Block 181 Lot 19, Application #12:501; and

WHEREAS, Justin Lizza, Municipal Engineer, recommended in a report to the Township Council, dated September 5, 2013 that said performance guarantee be released as the site work has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that Citibank, N.A. Letter of Credit Reference No. 63666343 posted by GlaxoSmithKline, LLC be and the same is hereby released.

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

R2013-196: GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT - 2012

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year ended December 31, 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations,” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Parsippany-Troy Hills, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

R2013-197: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING THE CORRECTIVE ACTION PLAN FOR THE 2012 AUDIT

WHEREAS, the 2012 audit was delivered on August 20, 2013 and regulations promulgated by the Single Audit Act and the Division of Local Government Services require that a corrective action plan to the annual audit be prepared within 60 days; and

WHEREAS, these regulations further require approval of that plan within 60 days of audit receipt by the Township Council;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills that the Corrective Action Plan for the 2012 audit prepared by the Chief Financial Officer dated September 17, 2013 be approved.

Corrective Action Plan for the 2012 Audit

Recommendation # 1 General

Description: That departmental collection procedures be reviewed for the Recreation Department to ensure compliance with deposit provisions of N.J.S.A. 40A:5-15.

Analysis: During the auditor's review, it was noted that deposits were not being turned over to the Tax Collector within 48 hours after receipt as is required by statute.

Corrective Action: The personnel in the Recreation Department were reminded of their responsibility to turn over monies on a timely basis.

Implementation Date: July 2013

Recommendation # 2 General

Description: That the late payment surcharge at the golf course be collected in accordance with the provisions of the ordinance adopted by the Township Council.

Analysis: During the auditor's review, it was noted that several late payment surcharges were not collected in accordance with the provision of the ordinance.

Corrective Action: Golf course personnel have been reminded of the terms of the ordinance and will charge the appropriate fees to members who are late in making payment.

Implementation Date: July 2013

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

Recommendation # 3 General

Description: That fees for the employment of off-duty police officers be collected by the Township before services are rendered to ensure compliance with the provisions of Ordinance # 2010:03.

Analysis: During the auditor's review, it was noted that several entities received service prior to depositing money with the Township.

Corrective Action: The police department has been reminded of the terms of this ordinance and will refuse assignments if payment has not been received in advance.

Implementation Date: August 2013

Recommendation # 1 Municipal Court

Description: That Tickets Assigned but Not Issued in excess of six months be reviewed for proper disposition.

Analysis: All police officers are issued ticket books. Officers not on regular patrol often will not issue all assigned tickets within a six- month period. Although notified by the Court Administrator to turn over old tickets for reassignment, some officers fail to do so. The Court Administrator tracks approximately 2000 tickets per month. 20 tickets were identified as of 12/31/2012 as assigned but not issued within a six month period.

Corrective Action: Continued review of the monthly reports of outstanding ticket books and reassignment of tickets as required.

Implementation Date: December 2013

R2013-198: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY PROVIDING A RECAP OF A MEETING WITH PRIMARY SPONSOR SENATOR JOSEPH PENNACCHIO REGARDING AMENDMENTS TO SENATE BILLS 2511 AND 2512

WHEREAS, Senator Joseph Pennacchio of the 26th legislative district in the State of New Jersey did become a primary sponsor of Senate Bills 2511 and 2512 on February 8, 2013; and

WHEREAS, S-2511 would authorize amendments to the Open Public Meetings Act and S-2512 would authorize amendments to the Open Public Records Act; and

WHEREAS, these bills and the provisions contained therein will have a direct impact on all public bodies within the State of New Jersey including municipalities, boards of education, commissions, boards, authorities, and all groups that fall under the definition of a "public body" or "quasi-governmental agency" in the Acts; and

WHEREAS, a multitude of such public bodies have adopted resolutions, written letters, or sent envoys to their legislators expressing specific and grave concerns about the provisions and unfunded State mandates contained in both S-2511 and S-2512; and

WHEREAS, in the 26th legislative district, at a minimum, six of the thirteen municipal governments adopted resolutions in opposition to these bills and three sent envoys to Senator Pennacchio to express opposition on their behalf; and

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

WHEREAS, Senator Pennacchio did host a meeting on July 30, 2013 to which he had invited all municipal clerks and mayors from the municipalities within his district and at which there was representation from each of the thirteen municipalities in district 26 as well as two aides from the Senator's office, one aide from Senator Weinberg's office (as the other primary sponsor) and two representatives from the Office of Legislative Services with whom the Senators are working to craft these bills; and

WHEREAS, at said meeting, it was apparent that the attendees were well educated on the subject matters at hand and all engaged in extensive dialogue about the proposed amendments to OPRA and OPMA; and

WHEREAS, at said meeting Senator Pennacchio did acknowledge concurrence with certain concerns expressed and he committed to endorse certain changes to the proposed legislation and he did ask Senator Weinberg's aide to seek changes to the May 30, 2013 versions of text for both bills; and

WHEREAS, with regard to S-2511, the Open Public Meetings Act, these changes included but were not limited to the following:

1. Elimination of the opening paragraphs of the bill and begin with the wording "The Legislature declares that it is the understanding and the intention of the Legislature that in orderto eliminate unnecessary depictions of alleged corruption and misconduct within public bodies. References to 'alleged corruption and misconduct' is accusatory in nature, casts a negative light on all elected officials, and shall be eliminated
2. Eliminate any inclusion in the Act that a subcommittee of a public body be subject to the provisions of the adequate notice and record of meetings requirements to ensure that public bodies are not saddled with additional unfunded State mandates.
3. Removal of any and all language that exempts the legislature from complying with the provisions of the act and every component thereof so that all public servants are held accountable to the same standards.
4. Change language in the definition of a public body to include any group or organization that receives government funding with the exception of non-profit organizations so that all lobbying groups are treated equally.
5. Eliminate language for any advertising or notice requirements that excludes weekends and State holidays from being part of the 48-hour notice provisions so that public bodies can operate efficiently and in a timely fashion.
6. Drastically rewrite language pertaining to the public comment period of meetings so that designating the times at which the public can speak at public meetings shall be at the discretion of the public entity so that members of the public can effectively participate in discussion, deliberation and debate with their local officials. The provision that a public entity shall provide a public comment period for agenda items shall be removed from the Act so that the public is not limited and there is greater transparency in government operations.
7. Eliminate language that makes it illegal for members of a public body to communicate during public meetings so that public officials and their constituents can conduct public business without fear of reprisals for innocent attempts to help ensure efficiency in the process.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

8. Provide clarification as to the Legislature's intent with regard to the submission of written comments at public meetings to avoid confusion and disruption at public meetings.
9. Remove language with regard to "Rice" notices that references "any adversely affected individual or individuals" to ensure efficiency and guarantee that the rights of individual employees are protected.
10. Repeal any language that provides conflicting standards for the production of minutes whereby the legislature is subject to standards different to that of any other public entity to ensure that all public servants are held to the same standards of transparency.
11. Amend language with regard to the production of minutes within 60 days to read "minutes or recordings of meetings shall be made available to the public as soon as possible but not later than 60 days after the meeting" so that all public bodies are provided equal ability to keep the public apprised of all business conducted at a public meeting.
12. There currently exists language in the bill that reads "Any party other than a public body, that prevails in an action brought pursuant to this section may be awarded the amount of reasonable attorney fees....." That language shall be changed to eliminate the language "other than a public body" and therefore read, "Any party that prevails in an action brought pursuant to this section may be awarded the amount of reasonable attorney fees....." Additionally, the ensuing sentence shall be changed to read, "The cost of any attorney's fee awarded by the court shall be paid by the non-prevailing party whether that party be the plaintiff or defendant, a public body or a private citizen, group or organization" so that all parties to such actions are held equally accountable in the expenditure of public funds and use of public resources.
13. Changes shall be made to the Act so that the attorney general or county prosecutor shall have standing to bring an action in Superior Court. The reference to "any member of the public" shall be removed so that public bodies or individual members thereof shall not be unfairly targeted.
14. The procedure regarding quarterly review of executive session minutes shall be eliminated from the Act to facilitate timely release of executive session minutes to the public.
15. Remove language in the Act that says "an appointed member of a public body may be removed from the public body by the appointing authority because of two or more violations of P.: 1975, c231" so that public bodies shall not be subjected to violations of employment practices and individual appointees shall not be targeted by disgruntled persons. and;

WHEREAS, with regard to S-2512, the Open Public Records Act, changes included but were not limited to the following:

1. The Act shall be amended to eliminate the following language; 'A government record shall not include the following information; information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, unless it is information the constituent is required by law to transmit; any memorandum correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, except that the provision shall not apply to otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members...' thereby subjecting the legislature to the same provisions of the Open Public Records Act as all other public bodies.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

2. Any and all additional exemptions included in the past versions or laws, in the current language or in future reprints which exempt the legislature from compliance with the Act shall be removed and deemed void so that all public servants are held accountable to the same standards for transparency and open government.
3. Explicit clarification shall be included and provided in the legislation with regard to the release of names, addresses, telephone numbers and email addresses so that the custodian of records, the GRC and the courts shall not have to interpret the intent of the legislature.
4. Insert language in the definition of a “public body” to include any group or organization that receives government funding and has authority to legislate with the exception of non-profit organizations so that all lobbying groups are treated equally and remove the language that lists certain groups.
5. The Act shall eliminate any language that provides an exemption to the legislature or any entity thereof in its definition of “Quasi-governmental agency” so that all public bodies and branches thereof are held to the same standards of transparency.
6. The language in the Act shall eliminate any requirement that the custodian of records shall provide an affidavit regarding redacted records as the custodian is already legislated to provide detailed explanations of all redactions made to a public record.
7. The Act shall eliminate any requirement that the custodian of records shall provide information regarding the originator or author of the record, the number of redacted words and/or lines in the redacted record for the reasons stated above in item #5 and because the reality of document retrieval is that oftentimes the originator or author of such records are unknown. This may require significant research when OPRA clearly provides that the custodian shall not conduct research for a requester.
8. The Act shall be amended so that if a request requires the custodian to expend time in excess of one (1) hour on an OPRA request, or multiple requests in the aggregate from the same party, the custodian of records may assess a special service charge because the consensus of all in attendance at the Senator’s meeting was that a standard request should not take more than one hour of the custodian’s time.
9. Should the requester of a public record wish to receive an explanation of the special service charge assessed or an affidavit thereof, it is incumbent upon the requester to ask for same in writing within seven days of receiving notice of the special service charge.
10. Any and all references to the time requests were received whether it be by noon or after 12 p.m. shall be removed from the Act and any and all proposed requirements thereto legislated shall be removed from the Act for the purposes of consistency and practicality.
11. The Act shall be amended to define and impose specific language regarding frivolous causes of action and no causes of action or actions with meaningless outcomes. It shall not be sufficient for the bill to reference the rules of court regarding frivolous causes of action. Such clarification should be spelled out in S-2512 and all future versions to avoid confusion and disruption.
12. Neither the public entity nor the custodian of records shall be held liable or accountable for records that do not exist within the public body’s jurisdiction regardless of whether or not such record meets the definition of a “government record” because simply stated, if a record does not exist, it does not exist.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

13. The following language shall be removed from the Act so that the legislature shall be held accountable to the Government Records Council and the courts to the same extent all public entities are held accountable thereto: [“The council shall not have jurisdiction over the Judicial or Legislative Branches of State Government or agency, officer, or employee of those branches.”] Language should be inserted to exempt the Judicial branches of government.
14. The following language shall be stricken from the Open Public Records Act “A requestor who prevails in any proceeding [shall] may be entitled to a reasonable attorney's fee award.” and said language shall be replaced with the following text: “The prevailing party in any proceeding, whether that party be the plaintiff or defendant, a public body or private citizen, group or organization may be entitled to a reasonable attorney’s fee award” so that all parties to such actions are held equally accountable in the expenditure of public funds and use of public resources.

WHEREAS there may be additional amendments agreed to at the July 30, 2013 meeting with Senator Pennacchio, representatives from the municipalities in his district, his aides, the aide from Senator Weinberg’s office and representatives from the Office of Legislative Services which do not appear herein but which are in absentia included in this resolution; and

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills does hereby recognize that the Primary Sponsor of Senate and Assembly bills does have the authority to effectuate changes in the bills to achieve the best legislation possible.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills hereby expresses appreciation to Senator Joseph Pennacchio for hosting the July 30, 2013 meeting with representatives from the thirteen municipalities within his legislative district to discuss concerns about the amendments to OPRA and OPMA as contained in S-2511 and S-2512; and

BE IT FURTHER RESOLVED that the Township Council of the Township of Parsippany-Troy Hills in the County of Morris and the 26th Legislative District of the State of New Jersey hereby supports the proposed amendments to S-2511 and S-2512 as described herein and discussed at the July 30, 2013 meeting of the municipalities in the 26th District but the governing body still opposes the legislation; and

BE IT FURTHER RESOLVED that the Township Council of the Township of Parsippany-Troy Hills does hereby urge Senator Joseph Pennacchio, as Primary Sponsor of S-2511 and S-2512 to demand the amendments as outlined herein and agreed to in concept at the July 30, 2013 meeting be incorporated into the Acts and a new version of the text be drafted and distributed for comment, discussion and input to those who attended said meeting; and

BE IT FURTHER RESOLVED that the Township Council of the Township of Parsippany-Troy Hills recognizes that Senator Pennacchio has agreed that those who participated in his July 30, 2013 meeting shall receive copies of a new draft of S-2511 and S-2512 when the amendments have been made along with a report of the amendments and that those attendees shall be provided additional opportunities to review and discuss the amended versions at a date and time to be determined by the Senator but prior to the legislation being presented to the full Senate for a vote; and;

BE IT FURTHER RESOLVED that the Township Council of the Township of Parsippany-Troy Hills does respectfully request that Senator Pennacchio will withdraw his sponsorship of S-2511 and S-2512 unless said amendments are incorporated therein and his sponsorship shall be summarily withdrawn.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

R2013-199: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING A NEW LIMOUSINE LICENSE FOR AIRLINKS LIMO & TAXI, LLC

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following new Limousine Owner's Licenses be issued for the year 2013.

**Airlinks Limo & Taxi, LLC
181 New Road, Suite 304C
Parsippany, NJ 07054**

(1 Vehicle)

APPROVAL OF MINUTES (Non-Consent Agenda)

Motion to approve the Minutes listed below by Mr. Ferrara seconded by Mr. Nelson.

- Regular Meeting of 5/14/2013
- Special Meeting of 6/18/2013
- Regular Meeting of 6/18/2013

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

ORDINANCES - INTRODUCTION

- None

RESOLUTIONS – NON-CONSENT AGENDA

Applications:

R2013-200 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE FOR WINE AMPHORAE WINES AND LIQUORS, LLC

Motion to TABLE the above Resolution by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

ABSTAIN – Council Member Ferrara

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

Resolution:

R2013-201: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS CONFIRMING THE APPOINTMENT OF TOWNSHIP MUNICIPAL PROSECUTOR AND AWARDING A CONTRACT FOR PROFESSIONAL SERVICES

Motion to approve the above Resolution by Mr. dePierro, seconded by Mr. Ferrara.

WHEREAS, the Township of Parsippany-Troy Hills has a need to retain professional legal services pursuant to §4-7 of the Township Administrative Code to serve as Municipal Prosecutor; and

WHEREAS, the Mayor has appointed Matthew R. Petracca, Esq., whose offices are located at 51 Gibraltar Drive, Suite 1D, Morris Plains, NJ 07950 as Municipal Prosecutor; and

WHEREAS, the Business Administrator has determined and certified in writing that the value of these services will exceed \$17,500; and

WHEREAS, the Matthew R. Petracca, Esq. will complete and submit a Business Entity Disclosure Certification, which Certification provides that he and any member of his firm has not made any reportable contributions to candidate committees, joint candidates committees or political party committees representing the elected officials of the Township in the one year period preceding the award of this Contract, and that this Contract will prohibit him and any member of this firm from making any reportable contributions through the term of the contract that would bar the award of this Agreement pursuant to N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, Matthew R. Petracca, Esq. will complete and submit a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, no later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

WHEREAS, the Business Entity Disclosure Certification further provides that Matthew R. Petracca, Esq. and the members of this firm have not made any and will not make any contributions or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 10:02 (Municipal Code Part 1, Chapter 12); and

WHEREAS, the term of this contract shall be from September 21, 2013 through December 31, 2013.

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified in writing that funds are available for these services in the following account(s):

2013 Budget: Current Fund - Prosecutor

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, as follows:

1. The Township of Parsippany-Troy Hills hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Matthew R.

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

Petracca, Esq., whose offices are located at 51 Gibraltar Drive, Suite 1D, Morris Plains, NJ 07950, as Municipal Prosecutor ; and

2. That Douglas R. Cabana, Esq., appointed by Resolution Number 2013:018 dated January 15, 2013 as Municipal Prosecutor, shall now serve as Chief Municipal Prosecutor; and
3. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Forms; Stockholder Disclosure Certifications; Determination of Value; and Certificate of Availability of Funds be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
4. That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as professional services, pursuant to N.J.S.A. 40A:11-1 et seq.; and

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

R2013-202: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS REQUESTING REVIEW AND APPROVAL OF AN AMENDMENT TO THE MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

Motion to approve the above Resolution by Mr. Ferrara, seconded by Mr. dePierro.

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills, County of Morris petitioned the Council on Affordable Housing (“COAH”) for substantive certification on June 7, 2010; and

WHEREAS, the Township of Parsippany-Troy Hills received approval from COAH on December 16, 2008 of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from the COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity; and
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned; and

3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues; and
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9; and
5. A schedule for the expenditure of all affordable housing trust funds, provided that the trust fund balance as of July 17, 2008 is committed for expenditure within four years of that date and that all development fees and any payments in lieu of construction are committed for expenditure within four years from the date of collection; and
6. If applicable, a schedule for the creation or rehabilitation of housing units; and
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
9. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Township of Parsippany-Troy Hills prepared a spending plan, dated July 12, 2012 (the “2012 Spending Plan”), consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46 and submitted same to the DCA and COAH for review and approval on July 16, 2012; and

WHEREAS, COAH has not yet reviewed and/or approved the 2012 Spending Plan; and

WHEREAS, the Township of Parsippany-Troy Hills desires to amend the 2012 Spending Plan submitted to COAH due to, among other things, changes in the properties identified and the allocation and amounts of certain funds therein; and

WHEREAS, the Township of Parsippany-Troy Hills has prepared an amendment to its 2012 Spending Plan consistent with N.J.A.C. 5:97-8.10 and desires to submit same to COAH for its review and approval.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that the Council requests that COAH review and approve an amendment to the Township of Parsippany-Troy Hills’ affordable housing spending plan.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

R2013-203: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS REVISING THE RESOLUTION AUTHORIZING THE TOWNSHIP OF PARSIPPANY-TROY HILLS' SCHEDULE OF TOWNSHIP COUNCIL MEETINGS FOR 2013

Motion by Mr. Nelson seconded by Mr. Carifi to amend the resolution to change the time of the October 1, 2013 meeting to 7:00pm.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

Motion to approve the above Resolution by Mr. Carifi, seconded by Mr. dePierro as amended.

WHEREAS, at the Township Council Regular Meeting on November 27, 2012, the Township Council adopted a Resolution Authorizing the Township of Parsippany-Troy Hills' Schedule of Township Council Meetings for 2013 (the "Scheduling Resolution"); and

WHEREAS, pursuant to the Scheduling Resolution, the Township Council scheduled Regular Township Council Meeting at 7:30 p.m. at the Municipal Building, 1001 Parsippany Boulevard, Parsippany on Tuesday October 8, 2013 and Agenda Meeting at 7:30 p.m. at the Municipal Building, 1001 Parsippany Boulevard, Parsippany on Tuesday October 1, 2013; and

WHEREAS, pursuant to the Scheduling Resolution and the Open Public Meeting Act, N.J.S.A. 10:4-6 et seq., the public is invited to attend all Regular Township Council Meetings and Agenda Meetings; and

WHEREAS, it is anticipated that the number of public attendees at the Regular Township Council Meeting on Tuesday October 8, 2013 and at the Agenda Meetings on Tuesday October 1, 2013 will be in excess of the permitted capacity of the Municipal Building, thereby presenting a risk to the health, safety and welfare of the public; and

WHEREAS, it is in the public interest for the Regular Township Council Meeting to be held at a location that can safely accommodate the number of anticipated public attendees at said meetings; and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey as follows:

(1) That the aforesaid recitals are hereby adopted and incorporated herein as if repeated in full; and

(2) That Resolution Authorizing the Township of Parsippany-Troy Hills Schedule of Township Council Meetings for 2013 be and hereby is revised as follows:

REGULAR TOWNSHIP COUNCIL MEETING SEPTEMBER 17, 2013

- Regular Township Council Meeting scheduled for October 8, 2013 at 7:30 p.m. shall be held at Parsippany Hills High School, 20 Rita Drive, Morris Plains, New Jersey;
- Agenda Meeting scheduled for October 1, 2013 at 7:00 p.m. shall be held at Parsippany Hills High School, 20 Rita Drive, Morris Plains, New Jersey;

(3) That the Township Clerk is hereby authorized to take the necessary steps to comply with the Open Public Meeting Act notice requirements.

ADJOURNMENT

Motion To Adjourn Meeting by Mr. Carifi Seconded By Mr. Ferrara.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

MEETING ADJOURNED: 11:00pm

Respectfully submitted,

Yancy Wazirmas, Township Clerk

Brian Stanton, Council President

Minutes approved: 3/18/2014