

LEGAL NOTICE

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MUNICIPAL ORDINANCES**

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, that the following Ordinance was submitted in writing at a Meeting of the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris and State of New Jersey, held on **October 14, 2016** introduced and passed on first reading and the governing body will further consider the same for second reading and final passage thereof at a Meeting to be held on **October 25, 2016** at 1:00 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township at which time and place a Public Hearing will be held thereon by the governing body, and all persons and citizens in interest shall have an opportunity to be heard concerning same. A copy of this ordinance has been posted on the Bulletin Board in the Municipal Building. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

KHALED MADIN
Township Clerk

**TOWNSHIP OF PARSIPPANY-TROY HILLS
COUNTY OF MORRIS
STATE OF NEW JERSEY**

ORDINANCE NO. 2016: 26

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS IN ORDER TO RE-ZONE CERTAIN PROPERTIES TO THE RCW RECREATION, CONSERVATION, AND WILDLIFE ZONE DISTRICT.

WHEREAS, it is the intent and purpose of the Municipal Land Use Law to encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, it is also the intent of the Municipal Land Use Law to promote the conservation of open space and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land; and

WHEREAS, the Troy Meadows serves as a large natural storage area for flood waters within the

Whippany River Watershed in the Passaic River Basin including the Rockaway River and Troy Brook, and includes waterways, substantial wetlands and buffer areas, floodplains, unfavorable soil types, and documented habitat of threatened and endangered species; and

WHEREAS, the Troy Meadows area wetlands are specifically recommended for protection and preservation in the Goals and Objectives section of the Township's 2014 Master Plan Reexamination Report and Land Use Plan. Troy Meadows is recognized as a vast environmentally sensitive and critical ecosystem for the region that encompasses approximately 3,100 acres with over 1,740 acres of that total in Parsippany-Troy Hills. As noted in the Open Space and Recreation Element of the Master Plan, this area consists of swamps, marsh and floodplain habitats that have been recognized by the National Park Service and NJDEP's Environmental Information Inventory as a National Natural Landmark, as well as noted in the Morris County Natural Resource Inventory as an I-A Exceptional Ecological Area as the last unpolluted freshwater marsh of large size in the region and providing important wildlife habitat. It is also noted that the current State Development and Redevelopment Plan (SDRP) designates Troy Meadows as a PA-5 area, and that this natural resource should be protected and preserved as part of this large contiguous tract of open space that extends across municipal boundary lines; and

WHEREAS, it is the Township's policy, along with State and Federal policy, that the lands of Troy Meadows represents an invaluable natural resource that should be preserved in its natural state, and development in these areas should be avoided in order to promote the public health and general welfare of the Township and the region. Additionally, the 2014 Re-examination Report expanded the land use designation of several lots contiguous with and inclusive of the Troy Meadows area into the Land Use Plan designation of Recreation/Conservation/Wildlife/Public classification to further these objectives; and

WHEREAS, Block 765, Lot 81.09, is an approximately 5.2 acre lot that was located within the R-3 Zoning District (bounded by Brookside Court to the West and Troy Meadow Road to the South); and

WHEREAS, Block 765, Lot 81.10, is an approximately 21 acre lot that was located within the R-1 and R-3 Zoning Districts (adjacent to the terminus of Alan Drive, Bennet Court, and Marsha Terrace); and

WHEREAS, Block 765, Lots 81.09 and 81.10 were created from the approved subdivision Application #13:002, and were subdivided from a parcel previously designated as Block 765, Lot 81; and

WHEREAS, subsequent to the creation of Block 765, Lots 81.09 and 81.10, the parcel previously designated as Block 765, Lot 81, was re-designated as Block 765, Lot 81.11 (generally bounded by Route 80 to the North, Route 280 and Ridgedale Avenue to the East, Troy Meadow Road to the South, and Route 637/Beverwyck Road to the West), and has a lot area of approximately 715 acres; and

WHEREAS, portions of Lot 79 of Block 765 were located in the LIW-5 Zoning District (to the West of the interchange of Route 280 and New Road), which was in stark contrast to the

majority of Lot 79 being designated in the RCW Zoning District; and

WHEREAS, portions of Lot 81.11 of Block 765 were located in the R-1, R-3 and LIW-5 Zoning Districts, which was in stark contrast to the majority of Lot 81.11 being designated in the RCW Zoning District in its entirety; and

WHEREAS, the entirety of Lots 68 and 81.8 of Block 765 were located in the LIW-5 Zoning District (to the West of Route 280 in the Troy Meadows area), situated between the neighboring parcels of the RCW and are integral parts of the Troy Meadows ecosystem; and

WHEREAS, on or about June 2, 2014, the Governing Body of the Township of Parsippany-Troy Hills adopted Ordinance 2014:16, which rezoned Block 765, Lots 68, 79, 81, 81.08, 81.09, and 81.10, previously located in the R-1, R-3, or LIW-5 Zoning Districts, to the RCW Recreation, Conservation, and Wildlife Zone District, to protect the area's environmentally sensitive, wildlife, and historic features, as well as to reduce potential impacts to the drainage area of Troy Brook, thereby furthering the goal of the Township Master Plan documents to protect the environmentally sensitive areas of Troy Meadows; and

WHEREAS, Wildlife Preserves, Inc., subsequently filed a lawsuit challenging the adoption of Ordinance 2014:16, in the matter entitled Wildlife Preserves, Inc. v. The Township of Parsippany-Troy Hills, et al. (Docket No. MR-L-1771-14), and alleging, *inter alia*, certain procedural irregularities in the adoption of Ordinance 2014:16; and

WHEREAS, while the Township believes that the procedures followed for the adoption of Ordinance 2014:16 were appropriate and in accordance with applicable law, in the interests of disposing of the procedural challenges to its adoption, and without admitting any defect therein, the Governing Body of the Township of Parsippany-Troy Hills has determined that it is in the best interest of the Township to repeat and affirm the zoning ordinance amendment process; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the following amendments and revisions are made and/or affirmed to the Revised General Ordinances of the Township of Parsippany-Troy Hills, Chapter 430 entitled "Zoning":

Section 1. §430-5. Zoning Map is hereby amended as follows:

- a. Rezone and/or affirm the rezoning of the following property from the R-1 Residential Zone District and R-3 Residential Zone District to the RCW Recreation, Conservation, and Wildlife Zone District: Block 765, Lot 81.10 (previously created from the approved Application #13:002);
- b. Rezone and/or affirm the rezoning of the following property from the R-3 Residential Zone District to the RCW Recreation, Conservation, and Wildlife Zone District: Block 765, Lot 81.09 (previously created from the approved Application #13:002);
- c. Rezone and/or affirm the rezoning of the portions of the following property that are/were in the R-1 Residential Zone District and R-3 Residential Zone District to the RCW

Recreation, Conservation and Wildlife Zone District: Block 765, Lot 81.11;

- d. Rezone and/or affirm the rezoning of the following properties from the LIW-5 Light Industrial Warehouse 5 Acre Zoning District to the RCW Recreation, Conservation, and Wildlife Zone District: Block 765, Lots 68, and 81.8; and
- e. Rezone and/or affirm the rezoning of the portions of the following properties that are/were currently in the LIW-5 Light Industrial Warehouse 5 Acre Zoning District to the RCW Recreation, Conservation and Wildlife Zone District: Block 765, Lots 79 and 81.11.

Section 2. Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.

Section 3. Repealer. Ordinance No. 2014:16 is hereby repealed and superseded by this Ordinance. All other ordinances or parts of ordinances of the Township of Parsippany-Troy Hills which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.