

## Schedule of Events

**BPA Meeting –**  
November 18, 7:30pm  
27 West Lake Blvd.

### Township Planning Bd.

Nov. 3, Dec. 1 at 7:30

### Township Committee

Nov. 12, Dec. 17 at 8pm

### Bd. of Adjustment

Nov. 24, Dec. 8 at 7:30

### Twp. Environmental

**Commission** November  
12 at 7pm- 8

### Town of Morristown

meetings: visit [www.townofmorristown.org](http://www.townofmorristown.org)  
Additional Township  
happenings: visit [www.morristwp.com](http://www.morristwp.com)

### Mom and Tots – check

[www.momstots.net](http://www.momstots.net)  
carcich.net for the  
latest on playdates for  
infants-toddlers, day  
trips, moms and dads  
nights out, spa days,  
communal dinners,  
book clubs, etc. See  
page 3 too for more  
information.



# NEWSLETTER

Fall 2008 Volume, 50, no. 3

## Burnham Park Association Board of Trustees

### TRUSTEES:

**Joe Attamante**  
(VICE PRESIDENT, Newsletter Author)

**Michelle Esposito,**  
538-7863

**Imre Bajuscz**  
(w) 862-778-6243

**John Bartholomew/  
Rob Pica** 455-1222

**Cain, Sharon**  
(Newsletter Designer) 265-4755

**Christopher/  
Jennifer Carcich**  
(MEMBERSHIP/MOMS & TOTS)  
451-9090

**Bill (TREASURER)/Kathy Claxton**  
267-2706

**Elihu Davison/  
Sheira Greenwald** 539-9015

**Mary Ann Gazal**  
(RECORDING SECRETARY)  
538-0822

**Kay Kribs** 539-9312  
**Fred Mayer (CONTACT SECRETARY)**

984-5371  
**Bill Pezzuti (WEBMASTER)** 644-0421

**Lynn Siebert**  
(PRESIDENT, Newsletter Editor)  
540-1586

**Edwin Villhauer**  
539-7128  
**Scott/Deborah Wild**  
455-1520

### ALTERNATES:

**Rick Bye/Deborah Macomber**  
267-1224

**Paul/Marla Moster**  
292-3026

## The Burnham Park Association: Celebrating 60 years of stewardship, serving our neighbors, our parks and our trees

*Burnham Park, An Appreciation on our  
60th Anniversary!*

*Since 2008 marks the 60th Anniversary of The Burnham  
Park Association, we thought we would share this lovely  
article, posted online at AMERICAN TOWNS: Morristown*

*"from: [Morristown Realtor](#) category: [Real Estate](#)*

*posted: October 20th, 2008*

*Burnham Park is one of Morristown's/Morris Township's best-*

*continued on page 2*

## LOOK INSIDE

**2** Burnham Park  
Slalom

**2** Another  
Election?

**2** New Benches...

**3** Moms and Tots

**3** Regional Land  
Use Updates

**4** First Night®  
Morris County

**6** Ballots/  
Membership

**7** Classified

*continued from cover*

kept secrets, and one you should check out. Physically located in Morristown, the Park occupies a long "finger" of property pushing out from Morristown proper into the territory of Morris Township. A gift from the Burnham family, this lovely English-style park has two beautiful ponds ... both stocked with trout in the spring ... plus walking and jogging paths, baseball fields, a basketball diamond and imaginative children's play areas. *An amazing local group, the Burnham Park Association, maintains this great resource in concert with the Town of Morristown, and annually plants new trees and shrubs to enhance the park and preserve the watershed.*

I have for many years lived directly across Mendham Road from the park, and enjoy stepping out onto my front porch first thing every morning with my steaming cup of coffee, and again every evening with a glass of wine, to take in the long peaceful vistas down into the main pond, towards the little island in the center. At this autumn time of year it is truly magical, with the red and gold and russet and sienna colors of the trees across the way reflected in the lucid pond, and our own resident swans gliding peacefully by on the still waters.

Stop by any day of the week for a lunchtime stroll or picnic, or on weekends for fishing, walking your dog, jogging, and baseball games with your kids. It's a wonderful place and a magical step back in time to small-town America at its best!"

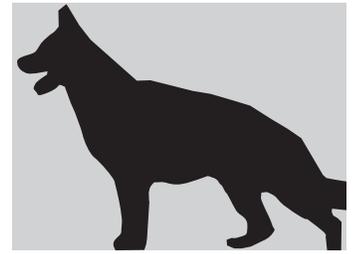
**Our Thanks to the anonymous realtor for giving voice to the feelings we all share.**

## Tired of the Burnham Park Slalom?

**N**ew traffic committee is on the case: In response to the downhill speeding and unsafe conditions, particularly at the "bowl" intersection of East Lake Blvd., West Lake Blvd., Ferndale/Fairmount Aves. and Burnham Parkway, the Burnham Park Association formed a Traffic Consulting Committee (Imre Bajusz, Jen Carcich, Sue Mellen, Paul Rabinowitz and Lynn Siebert) and drafted specific recommendations (including stop and yield signs in particular places) to address the situation. These were then sent to both the Morris Township Committee and Police Chief Timothy Quinn. In his letter of October 27, Chief Quinn indicated that the police department's Traffic Safety Bureau "will collect data of volume, speed and accident history" and then look at ways to make the roadways safer "through education, enforcement and engineering." Working in conjunction with the Morris Township Engineering Department to address our concerns and recommendations, the police dept. will contact us to address our concerns once they have completed their analysis. Kudos to Chief Quinn for responding so promptly. We look forward to working with him on this matter.

# Another ELECTION???

If you're still hungry for election excitement once the Presidential Election is over, give some thought to voting in the BPA's annual election of its trustees. We are attaching a ballot at the end of this newsletter for you to tear off and mail in (send to Mary Ann Gazal at 34 Dorothy Drive, Morristown, NJ 07960). If you want to vote in person, feel free to attend our next meeting (November 18th, 7:30pm at 27 West Lake Blvd.). We welcome new members to the board...you can nominate your friends, neighbors or yourself if you are a resident of the area and have an interest in our work. Feel free to contact any of our officers if you have questions about our Burnham Park Association, called an "amazing organization" by a local realtor.



## Burnham Park to get new benches, picnic tables, restored fountains, dog silhouettes!

We are very grateful to the Town of Morristown's Department of Public Works for the ongoing efforts to maintain and beautify Burnham Park. Special thanks go to Jeff Hartke, Director of Public Works/Town Engineer – for overseeing the wonderful rebuilding, regrading and landscaping around the upper parking area and to Linda Politowski, Director/Manager of Recreation, for the new plans to replace all the benches and picnic tables in the park. Our Bench Committee reviewed the vendor catalogues provided by Politowski and recommended durable and attractive benches and picnic tables made from recycled materials which permit some wheelchair accessibility. Installation will hopefully take place in the Spring of 2009.

Following up on our last BPA meeting, VP Joe Attamante spoke with Jeff Hartke concerning the malfunctioning aerator fountains and missing dog silhouettes. According to Hartke, the Morristown Council will soon vote on his request for several thousand dollars to repair and improve aerators which provide needed oxygen to help maintain the health of Burnham Pond. The aerators are currently shut down for the winter. We urge the Council to vote for approval! Jeff also assures us that the currently missing dog silhouettes that deterred geese-at least somewhat effectively- will be restored with swiveling heads, in various poses and with ribbons tied around their necks. We hope these new and improved versions will outsmart our gaggle of gabbling geese!



October was filled with great trips and events for the Moms & Tots group. We went pumpkin picking, saw Johnny and the Sprites at the Community Theatre, had a pony playdate, had Moms' night out at Milk Money and held an Infant/Toddler water rescue information session. Be sure to check the webcalendar for complete information on upcoming events [www.momstots.carcich.net](http://www.momstots.carcich.net).

**Here are some upcoming highlights:**

**All ages playdates on Wednesdays!** 10:30 and 3:30 at various local playgrounds. See webcalendar for locations. Please call or email Carolyn Erikson for details on the location: 401-0631 or [cmv\\_12@yahoo.com](mailto:cmv_12@yahoo.com).

**Dinner Play-dates** will be held on Thursday evenings at 5:30 at various homes. Working parents, these were created especially for you, but of course all are welcome! Check webcalendar for locations.

**Nature Walks/Runs will be on Thursdays** at 10:15 We meet with the kids in strollers or packs at the South Street entrance to Loantaka Park. Call Jen on her cell if you are running late but want to attend 973 271-1273

**November 14th will be Moms' Night out at Facelagic** in Morristown. We will be treating ourselves to facials and some wine and cheese!

**Saturday, November 22 at 9:00am will be our toy exchange.** At this event you take home toys for your children for the holidays while "unloading" toys that they have outgrown. Please feel free to start dropping off old, working toys that your children no longer want/need at Jen's home. Baby items, videos, books and the like are welcome.

**December 2 we will be holding our own story and craft time** at the Morristown/Township Library. We have other craft dates in store all winter long!

**Thursday, December 4th will be our second annual cookie exchange** at Jen's home. We will be creating recipe books with the help of Cindy Au-Kramer, professional bookbinder.

Be sure to email Jen if you'd like to attend any of the events or to get on the weekly email newsletter list.

Enjoy your families. **-Jen Carcich**

[fadoo3@aol.com](mailto:fadoo3@aol.com)

## Regional Land Use UPDATES:

### SCORE: Preservation 1; Development 0/ Deal saves Abbey's CCRC land from development

Things are moving rapidly along to finalize all aspects of the deal brokered by the Trust for Public Land (TPL) which reached an agreement to purchase 188 acres of land from the Order of St. Benedict, which owns and manages Delbarton School and St. Mary's Abbey. The \$13,750,000 price will be met by funding from the Morris County Park Commission, the Township of Morris, Open Space Trust Fund, the Great Swamp Watershed Association, the Trust for Public Land, Morris County Municipal Utilities Commission and the state Department of Environmental Protection's Green Acres program. Stewardship of this land will fall to the Morris County Park Commission which will annex all but approximately 10 acres to adjoining Lewis Morris Park, increasing that park's preservation area to just over 2,000 acres. The Morris Township planning board is handling the final details of the subdivision and transfer and will be responsible for the approximately 10 acre portion purchased through its open space funds.

### HOT OFF THE PRESS: Highlands Regional Master Plan Reconciles with Affordable Housing:

As of October 31st, the Highlands Council approved an agreement with the Council on Affordable Housing (COAH) to spell out the responsi-

bilities of both agencies in balancing the requirement to preserve land and water resources while still providing affordable housing. For details on the Memorandum of Agreement on this matter as well as other, related information, check out <http://www.highlands.state.nj.us/njhighlands/implementation/plan/>.

The two agencies finalized their agreement under the looming mandate of Governor Corzine's Executive Order 114 (issued in September) which affirmed the primacy of preserving land and water resources over affordable housing.

A critical source of water for much of the state of NJ, the Highlands includes the (more restricted) "Preservation Area" and the (less restricted) "Planning Area". Municipalities in the Planning Area (including Morris Township) would gain significant benefits if they "opt in" to the Highlands Regional Master Plan - and change their zoning to conform with the regional master plan. Included among the benefits are certain legal immunities from builders' lawsuits and, with this new agreement, the likely reduction of COAH obligations in such towns. Conversely, communities that choose NOT to opt in and "conform" to the Highlands Regional Master Plan could well see their COAH housing obligations (and required new development) rise significantly.

The new agreement allows taking into account what land is suitable for devel-

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opment and what is not suitable for development - on the basis of environmental constraints or a lack of water or sewer capacity. Prior rules did not allow for consideration of these critical concerns.

The Highlands Coalition (not the same as the Council), a consortium of NJ environmental groups, believes that, while effective in the short term, the Council's reduced housing incentive for voluntary compliance falls short for the long term. They and we believe, that, without re-authorization of the Garden State Preservation Trust (which provides dedicated funding for the Farmland, Open Space and Historic Preservation programs that provide compensation for Highlands landowners and for matching grants to municipalities, counties and others to preserve land), the Highlands Council cannot fulfill its mandate to "preserve, protect and enhance" rapidly diminishing land that provides the water on which we all depend.

### **The Spectre of "Reliance" Haunts Sensitive Watershed Lands**

Sometimes the NJDEP forgets its clear mandate to protect, preserve and enhance our finite and increasingly vulnerable and diminishing water, land and habitat resources.

One glaring example is the DEP's August 4, 2008 petition for rulemaking, the "Reliance" rule, (Determination of Reliance for Letters of Interpretation, Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A-3.6.) governing how when and if wetlands permits should be altered or revoked.

A public hearing was held October 21, 2008, on this procedural rule: as of this writing no decision has been made. A summary of what is proposed and the concerns we share with the environmental community appear below.

Whenever development is planned for land on which there are wetlands, a Letter of Interpretation (LOI) must be obtained from the DEP, officially classifying the wetlands and determining the size of the buffer zone to surround those wetlands. This classification has consequences for the potential size of a development and its ultimate profitability. For example, an exceptional resource value wetland could require 150-300' buffer zone whereas an intermediate resource value wetland only mandates a 50' buffer.

Problems arise, however, when subsequent information reveals that information on which the LOI relied was inaccurate

*continued on page 5*

## **A SUPER BARGAIN FOR FAMILIES: celebrate New Year's Eve at First Night<sup>®</sup> Morris County**

In these tight times, there are few bargains as substantial as First Night<sup>®</sup> Morris where, for little more than the costs of a movie, you can take your whole family to hear and see world class performers LIVE in 25 venues in and around the center of Morristown. This fabulous evening will feature music for every taste (from popular - jazz, folk, roots, Klezmer, jug band, Native American flute music, blues, funk, rock 'n roll, reggae, hip hop; classical - orchestral, choral, chamber and solo performances to world music from Africa, Haiti, Brazil, Spain, Japan, Eastern Europe and the Middle East). There will be theatre, comedy, magic, juggling, story-

telling, poetry, dance (flamenco, Japanese, Colonial American, Haitian), two visual art exhibits, 2 sets of fireworks, face painting, balloon artistry and some truly unique experiences such as hearing the Gravikord (an electrified kora-like instrument), trying your hand at the theremin (that instrument which makes those spooky sounds in horror movies), or participating in an African drumming circle. Starting December 1, admission buttons go on sale (advance prices: \$18 per button, 4 packs at \$60; at the gate, all buttons are \$20 each) at locations throughout Morris County. Check [www.firstnightmorris.com](http://www.firstnightmorris.com) and watch the Star Ledger and its website

at [www.nj.com/MorristownGreen](http://www.nj.com/MorristownGreen) for more details on the program as they become available. Artistic programming is provided by the Arts Council of the Morris Area.

**Happy  
New Year  
2009!**

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or incomplete. Although it should be a simple matter to alter or abandon a LOI based on erroneous information, this apparently has not been the case.

The pattern cited below reflects many instances cited by the NJ Highlands Coalition.

A wetlands permit is granted by the DEP for disturbance of intermediate value wetlands to facilitate a development but it is based on incorrect or faulty LOI. Later, endangered species are identified on site. However, since the developer has an approved permit (albeit predicated on old or incorrect information), the DEP allows them to "rely" on that permit! The DEP even sometimes extends the permit for several years, despite the acquisition of corrective information and the clear language on every LOI that it can be changed when new information requires it. Even more outrageous, the DEP may recognize the presence of threatened or endangered species, upgrade the wetlands classification, but still allow the development to proceed! And all the developer need do to trigger "reliance" is show he has spent money by, say, hiring a planner. In Harding, the DEP acknowledged presence of endangered or threatened species and amended the LOI's wetlands classification to reflect it, but allowed the applicant to rely on the original, inaccurate LOI! The foregoing example was one of several examples of faulty "Reliance" cited by The Great Swamp Watershed Association..

The Highlands Coalition in its August 11, 2008 letter to the DEP and in testimony suggested the following:

1. Extend the 15 day comment period to allow sufficient time for public input.
2. Improve practices and procedures to insure a more accurate issuance

of LOI's

3. Adopt a formal mechanism to alter or abandon LOI when new correct information is submitted, applicable to LOI's and extensions
4. Implement a process whereby Citizens may request applicants to provide current information about the entire site that is the subject of LOI request, and require the DEP to respond.
5. Put Safeguards in place to allow the public to hire independent consultants to access sites with sufficient notification to applicant.
6. Apply "reliance policy" rule changes to all DEP's Land Use Regulatory programs, not only the Freshwater Wetlands Act.

We would urge the DEP to fully adopt the Highlands Coalition recommendations.

### **Delbarton Fields Proposal Amended**

As we reported in spring/summer newsletter (see "Field of Dreams"), the Delbarton fields, field house and concomitant Sugarloaf Road widening was memorialized in May. This was done despite our written and verbal objections that: no public input was permitted for the widening and no notice was given to adjacent property owners; the public's right to speak and comment at a public meeting were severely curtailed; no archaeological survey was conducted despite Morris Township's Historic Commission's urging that one be done; no visibility balloon test was conducted to determine visibility of retaining walls from National Park trails, and National Park Service was not consulted regarding the fields' impact on the Jockey Hollow portion of Morristown National Historical Park.

Bulldozing and tree removal is well advanced (while new trees have been planted, they will require decades to attain the stature of those that were removed) with retaining walls in place. Work has not yet begun on widening of Sugarloaf Rd.

At the October 6, 2008 Planning Board meeting, Delbarton received approval to amend its field house plan, allowing a two story structure with different siding, a different roof (shingle instead of turf), lighting along the pedestrian path, and changes to retaining walls, safety screening and chain link fencing. The plans, described by one person as "incredibly ugly", can be viewed at the office of Township Engineer.

### **Mr. Toad breathes more easily at Willow Hall: Friends win suit against developers**

In a recent decision, the state Appellate Division struck down K&K Developers' plans to build 20 townhouses on the Willow Hall property. A citizen group, the Friends of Historic Speedwell had sued the developer and the Town of Morristown's Zoning Board of Adjustment, objecting to the zoning changes and citing a variety of factors, including steep slopes. At present, the property is back on the market for \$3.8 million and the Passaic River Coalition, which has bid on the mansion itself, is hoping to raise the remaining money to buy the entire 6.5 acre site to use for its headquarters. Stay tuned for ongoing developments.

### **Water line to Jockey Hollow**

Committeeman Scott Rosenbush, with support from Mayor Bob Nace, has advocated the extension of a water line up Jockey Hollow Rd. to provide hydrants

*continued on page 6*

continued from page 5

in the area. While we strongly support fire safety for all, we have concerns that the extension of infrastructure, as we have learned so painfully with regard to Washington Valley, opens the door to reclassifications of land use – with the likelihood of allowing for more development in the future. The presence or absence of infrastructure factors significantly in calculating COAH allocations, State Planning Area designations and Transfer of Development Rights (TDR). Delbarton might also contribute – something else which raises questions since, in the past, such contributions (during the sewer line extension in Washington Valley) led to unfair preferential treatment: Delbarton’s sewer line hookup fees of over \$250,000 were “forgiven” by the Township while private residents received no such bonuses. No study has been done to assess whether a less expensive and, frankly, more widely useable alternative – ie. a tanker truck for the fire dept.- would provide the same level of protection. A veteran volunteer firefighter said that a tanker would offer the same protection as a water line and would be able to travel to all Township locations which might need it. Additionally, one has to ask why Rosenbush and Nace are only focusing on this one area and not the other areas in the township which also have no public water (or hydrants). The Township will not move forward with the plan unless its requirement that 2/3 of the neighbors provide written commitment to each pay the \$10,455 over 15 years is met. Stay tuned...

# Need a new BPA T-shirt?

Thanks to Johnathan Darwell, efforts are underway to have a new supply of those wonderful BPA T-shirts and sweatshirts. We'll keep you posted when they are available for purchase!

## BPA Elections

Each year at this time we vote for our Bd. of Trustees. Nominations are open to all BPA members – self nominations are welcome. New members/Trustees are encouraged. We invite you to submit your ballot (and/or nominations) by mail to our recording secretary, Mary Ann Gazal (34 Dorothy Drive) in advance of the November 18th meeting if you are unable to attend in person but wish to participate.

**Our current ballot includes the following:**

- Joseph Attamante
- Imre Bajusz
- John Bartholomew/Rob Pica
- Sharon Cain
- Jennifer/Christopher Carcich
- Bill/Kathy Claxton
- Johnathan Darwell/Suzanne Mutz-Darwell
- Elihu Davison/Sheira Greenwald
- Mary Ann Gazal
- Kay Kribs
- Fred Mayer
- Susan Mellen
- Buffy O'Brien
- Bill Pezzuti
- Paul Rabinowitz
- Lynn Siebert
- Edwin Villhauer

**Please indicate your vote**

- a) for the entire slate \_\_\_\_\_
- b) for all but the following \_\_\_\_\_
- c) the additional nomination of the following for positions as Trustees: \_\_\_\_\_

Fill in your name, address and telephone number on this stub. Make checks payable to the Burnham Park Association. Sent to our treasurer, Bill Claxton at 32 Dorothy Drive, Morristown, NJ 07960. Thanks to those neighbors who have supported BPA so generously. DUES PAID IN THE THE LAST 3 MONTHS OF 2008 GET CREDITED TO CALENDAR YEAR 2009

Membership/Dues Payment I/We enclose our 2008 Burnham Park Association dues of:

\$10 Basic/Pine    \$25 Sponsor/Maple    \$50 Patron/Beech    \$100 Benefactor/Oak    \$250Thomas Paine Club

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

If making additional contribution, please indicate amount and purpose (e.g. plantings for Arbor Day, etc.)

Amount: \_\_\_\_\_ Purpose: \_\_\_\_\_

Classified

Attorney at Law

WILLIAM H. CLAXTON

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