

**Planning Board
Meeting Minutes
Regular Meeting**

October 14, 2020

The Planning Board of the Township of Denville held a regular on October 14, 2020. The meeting was held virtually via Blue Jeans and commenced at 7:30pm. Chairperson Schmitt presided.

Secretary Unrath read NOTICE OF PUBLIC MEETING

ROLL CALL:

Present: Kurt Schmitt, Mayor Thomas Andes, Louis Maffei, Don Kuser, Glenn Buie, Sue Filauro, John Ciardi, Mark Venis,

ABSENT: Marilyn Kuntz, Louis Maffei

Prf. Present: Ed Buzak Esq., Jason Kasler, AICP, PP, Samantha Anello, PE

MINUTES

A motion to approve the minutes from September 9, 2020 was made by Mbr. Buie, seconded by Mbr. Kuser and unanimously approved by all members able to vote.

PURCHASING

A motion to pay vouchers submitted by **Kasler Associates** was made by Mbr. Filauro, seconded by Mbr Buie and unanimously approved by all members able to vote.

A motion to pay vouchers submitted by **Mott MacDonald** was made by Mbr. Filauro seconded by Mbr Buie and unanimously approved by all members able to vote.

A motion to pay vouchers submitted by **Ed Buzak Law Group** was made by Mbr. Filauro, seconded by Mbr Buie and unanimously approved by all members able to vote.

CORRESPONDENCE/PROFESSIONAL COMMENTS- None

RESOLUTIONS- None

PUBLIC HEARINGS

PB/PSP/FSP-20-01

**Bank of America
125 E Main St
Block 40817, Lot 3**

Scott Collins, Esq- Attorney for the applicant from the Law Firm of Riker, Danzig, Scherer, Hyland and Perretti. The applicant is required to comply with state regulation NJSA 17:16K-10 which sets the State ATM minimum lighting requirements for safety and security.

Jake Modestowe, PE- Sworn in as a Professional Engineer from Stonefield Engineering. Stated that the applicant is required to comply with state regulation NJSA 17:16K-10 which sets the State ATM minimum lighting requirements and sufficient lighting for safety and security. The state requirement is for a 2 foot-candle of light at 60' from an ATM at 36" above grade, and 10-foot candles at 5' from an ATM at 36" above grade. The applicant requested a variance for the maximum light level past a property line where 0.5-foot candles is the max allowed and 7.6 Foot candles is the max proposed. Mr. Modestowe explained that in order to meet the required standards the applicants are proposing 12 new fixtures and re-ballasting of 26 light fixtures. Also, two new free-standing shoe- box style lights for the rear ATM. The two new

freestanding decorative style lights that are proposed in the front of the building that is on the property line with East Main St requires a variance. Mr. Modestowe stated the light fixtures would be 'coned; and the light would shine downwards. In order to minimize the spillage over the property line the light have been positioned in the front of the building to the max extent and back side shields would prevent any spillage. In Mr. Modestowe expert testimony, there would be no increase in lighting to the nearby residential units.

Open to Board Professionals

Samantha Anello, PE- Questioned if the new electrical conduits that are proposed would be above or below ground. Mr. Modestowe stated the conduits would be unground. It was questioned and clarified the applicant would submit a lighting as built showing the foot candles in the field and lights at the constructed site.

Jason Kasler, PP- It was questioned and answered the variance being requested is the maximum allowable light level at the property line. It is required to have 0.5-foot candles and the applicant is proposing 7.6-foot candles.

Open to the public for questions and or comments

Nicolas Micchelli (124 E Main St apt). -Expressed concern that the lights would be too bright and shine into her apartment.

Randi Miller (124 East Main St apt) - Also expressed concern for the brightness of the lights.

Mr. Modestowe stated that the foot-candles would be the same as it currently exists.

Open to Board Members

The board members expressed concern for the lights on the front ATM. It was discussed if the ATM could be closed in the evening hours and direct customer to the back ATM. Mr. Moedstowe stated that he would need to speak with Bank of America about those conditions.

Mayor Andes – Expressed concern for the property owners around the bank and the excessive lighting that would reach their properties.

Ed Buzak, Esq- Questioned the plans that were submitted with the application regarding sheet C-3. The left side of the plan shows the proposed foot candles at ground elevation and on the right side of the plan it shows the foot candles at 3ft above ground elevation.

Samantha Anello, PE- Questioned why the minimum proposed lighting level at 3ft above grade was not 2.0 which was the state requirement and, in some area, it far exceeds that required level. Mr. Modestowe explained that in the existing conditions there were gaps where the lighting level did not meet 2.0-foot candles above grade so those were the primary location targeted for a new light fixture. The overlap with the adjacent lights created levels that met or exceeded 2.0-foot candles.

The board and professionals stated they would be in favor carrying the application to November 18th and revised the plans to a lower light level by the entrance area.

OLD BUSINESS- None

NEW BUSINESS-

Ordinance 13-20

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS
AND STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND USE, TO
IMPLEMENT A SETTLEMENT WITH LENNAR HOMES IN CONNECTION WITH THE

TOWNSHIP'S AFFORDABLE HOUSING OBLIGATION

The board members stated that this ordinance is inconsistent with the Master Plan and the board members had no recommendations

A motion to approve the ordinance was made by Mbr. Venis, seconded by Mbr. Filauro and approved by all members of the board.

AYES- Venis, Filauro, Ciardi, Buie, Kuser, Andes, Schmitt

Meeting adjourned at around 10:00 pm.

Minutes Approved: January 13 ,2021

Melissa Unrath, Board Secretary.