

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

May 14, 2008

The Planning Board of the Township of Denville held its regularly scheduled meeting on Wednesday, May 14, 2008. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:30 P.M.

Secretary Probasco read Notice of Public Meeting.

Roll Call: Present – Arthur Korn, Roger Spiess, James Rodimer, John Murphy, Mark Wilson

Professionals present – Richard Clark, Esq., Nicholas Rosania, PE, P.P., William Denzler, PP

MINUTES February 27, 2007 (Hertz Homes)

Motion to adopt the above-mentioned minutes as submitted was made by Mbr. Korn, seconded by Mbr. Rodimer and unanimously approved by all Members eligible to vote.

PURCHASING:

Motion to pay vouchers submitted by Laddey, Clark, & Ryan (dated February 29, 2008 and March 31, 2008) subject to the availability of funds, was made by Mbr. Rodimer and seconded by Mbr. Korn and unanimously approved by all Members present.

CORRESPONDENCE

PROFESSIONAL COMMENTS

**MPSV/SS 06-14: Hertz Homes
Block 10401, Lots 12 & 13
Echo Lane / Michael Street**

J. David Ramsey (Ramsey Berman, Morristown) represented the applicant. He stated revisions have been submitted to the Board. He advised the board that a Vandercliff's through their attorney have prepared to execute a storm sewer easement. The letter will be considered Exhibit A-8 and will be forwarded for record after the hearing.

Marc Walker, Professional Engineer (Dykstra Walker, 21 Bowling Green Pkwy, Hopatcong) was present and reminded he was still under oath. He reviewed the changes that were made to the plans dated April 25, 2008, which included the some of the following:

1. Reduced slope variances
2. Added access easement to storm water basin on lot 13.02 and 13.01 and through 13.03
3. Added small section of glass pavers
4. Modified several of the inlets and converted five manholes to B-inlets
5. Increased berm height from 1' to 3' on swale
6. Added two rows of hay bales to perimeter filter fence
7. Added retaining walls to pull disturbance away from transition areas
8. Added infiltration base and seepage pits to drainage design
9. Eliminated all infiltration and added solid pipe storm water management structures under the cul-de-sac and under Lots 13.01 and 13.02

Stated that other things relative to Township Planner's report have been made such as the addition of numerous retaining walls on 13.01, 13.03 and 13.04 and additional grading reflected on Sheet 4 to reduce the disturbance. Plans were also revised to eliminate the disturbance on the rock outcrop area on Lot 13.05.

Mr. Walker stated that applicant would obtain Morris County Soil Conservation District approval to assist in meeting slope disturbance criteria. The project was broken up into two areas and a ridgeline that runs through the area. One drainage area flows to the northwest and the sheet flow has been reduced by 58% for the 100-year storm event. Flowing to the north an even greater sheet flow reduction of 92%. The storm drains will be collecting all the storm water and piping it down Rosewood Lane. Mr. Walker explained that the plans and changes meet or exceed requirements.

Mr. Ramsey stated that Mr. Walker would like to be granted a conservation easement and asked Mr. Walker to indicate to the board where on the Exhibits this was shown. Using Exhibit A-9, Mr. Walker reviewed the changes to proposed conservation easement behind lot 13.03 and 13.04 in blue. The original proposal was in black and the blue is expansion of the conservation easement.

The purpose of the conservation easement is to protect the land from disturbance by leaving it in a natural state. An access easement has also been added on proposed lots 13.02 and 13.01 and through lot 13.03. He stated that the slope disturbance is not severe between 15 and 19.99% disturbing 67.1% where 50% disturbance is allowed. Slope disturbance ranges between 20-24.99%, disturbing 63% where 25% is allowed. Confirmed with the township engineer that they are consistent with ordinance. Disturbance of where 25% allowed. Not created to reduce density, created to ensure drainage or erosion problems.

Michael Hubner, Esq. (Johnson, Murphy & Hubner, Riverdale) was present, representing Drs. Paul and Debra Nadler, owners of 7 Waterview Lane, Randolph. He stated that an agreement has been reached with the applicant on the easement. It will be a non-disturbance, no touch and left in it's natural vegetative state.

Nick Rosania, Township Engineer provided his comments on his January 19, 2007 report. Mr. Rosania believes that Mr. Walker has done an excellent job in meeting all the requirements. The reduced flows to the north and northwest exceed the requirements and it looks good.

Bill Denzler, Township Planner reviewed his comments from his February 26, 2008 report. Mr. Denzler agrees that it's not a steep slope and concurs with the revised slope analysis.

This application was opened to the board for comments. The board had questions regarding existing and future drainage and run-off. The applicant verified that the total runoff of the storm water would be less than what existed. Based upon the applicant's calculations, the board had no further questions.

This application was opened to the public for questions.

Chris Smith (22 Rosewood Lane) was present and reminded he remains under oath. Mr. Smith presented his concerns regarding additional water collecting on his property. Mr. Smith inquired about the capacity of the basin and at what point Rosewood Lane would flood. Mr. Walker responded stating that these calculations have not been done and that flooding is not a concern of the township engineer. Mr. Walker indicated that there are different stages in the outlet and includes emergency overflow.

Mbr. Murphy closed for questions and asked for the concluding testimony.

Adrian Humbert, P.P. (Rickland Drive, Randolph) was present and reminded he remains under oath. Mr. Humbert reviewed his testimony from the February 27, 2008 meeting. He reiterated that there is no violation of ordinance in respect to excessive slopes. The lot will be a more conforming lot and the negative and positive criteria are satisfied.

Mr. Denzler agreed with Mr. Humbert's presentation in regard to steep slope, topographic and side yard setbacks. Mr. Rosania had no further questions.

Mbr. Murphy open to public for questions.

Michael Hubner, Esq. (Johnson, Murphy & Hubner, Riverdale) was present, representing Drs. Paul and Debra Nadler, owners of 7 Waterview Lane, Randolph. Mr. Hubner stated that the Vanderhoof easement lessened the amount of drainage and that this was the main concern of this client. Mr. Hubner voiced concern on his client's behalf for minimal tree removal.

Mbr. Murphy opened to summation. The board discussed the trees as it relates to shade tree ordinance, or policy or procedures on protecting trees.

Mr. Smith presented his concerns explained his current problems and ran through photos shown in Exhibits O-1 and O-2.

Mbr. Murphy seeing no one with further questions, closed the public portion.

Robert C. Hertzberg, President of Hertz Homes (16 Welsey Road, Montclair) was present and remains under oath. Mr. Hertzberg indicated that care would be given regarding removal of trees. This would include all mature trees, healthy trees, trees to maintain the privacy of property lines and those not considered an endangerment. Mr. Ramsey agreed that a no touch zone would be generated and reasonable markings would be submitted.

Seeing there were no further questions from the board, the public hearing was closed.

Motion to approve this application was made by Mbr. Rodimer and seconded by Mbr. Wilson.

Roll Call: Ayes – Rodimer, Wilson, Korn, Spiess and Murphy

NEW BUSINESS:

OLD BUSINESS:

ADJOURNMENT:

Denean Probasco, Board Secretary

Date adopted