

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

July 9, 2008

The Planning Board of the Township of Denville held its regularly scheduled meeting on Wednesday, July 9, 2008. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:30 P.M. Chairperson Kuntz presided.

Secretary Probasco read Notice of Public Meeting.

Roll Call: **Present** – Mayor P. Ted Husa, Marilyn Kuntz, Glenn Buie, Peter Nienstadt, Louis Maffei, Jim Schoner
 Absent – Howard Shaw, Sue Filauro, Geoff Millington

Professionals present – Tiena Cofoni, Esq., Nicholas Rosania, PE, P.P., William Denzler, PP

MINUTES - None

PURCHASING

Motion to pay vouchers submitted by Edward Buzak, Esq. (dated May 20, 2008) subject to the availability of funds, was made by Mbr. Buie and seconded by Mbr. Nienstadt and unanimously approved by all Members present.

Motion to pay vouchers submitted by William Denzler and Associates (dated June 3, 2008) subject to the availability of funds, was made by Mbr. Buie and seconded by Mbr. Schoner and unanimously approved by all Members present.

CORRESPONDENCE

Chairperson Kuntz reviewed a letter from Morris County Soil Conservation District to the Planning Board dated May 27, 2008 regarding the Salerno Duane Infinity; a letter from the County of Morris, Development and Technology to Mayor Husa regarding Waste Water Management dated May 27, 2008; two conflict of interest letters from William Denzler & Associates dated May 27, 2008 – one regarding PSP/FSPV 08-04 Orchard Street, LLC and the other regarding MPS 08-03 Glenmont Commons; and a letter requesting sponsorship from the American Legion for their Annual Golf Outing.

PROFESSIONAL COMMENTS

Mr. Rosania had none. Mayor Husa had a legal question regarding the recusals from Mr. Denzler and inquired who would be handling the referenced applications. Ms. Cofoni responded that Mr. Denzler's recommendation of Mr. Rosania, Township Engineer is legally acceptable. It was noted that Mr. Rosania is also a Professional Planner.

RESOLUTION - None

PUBLIC HEARINGS

**SP/FSPV 07-15: The Downs Group
 Block 40102, Lot 4
 305 Palmer Road**

Applicant is requesting Preliminary and Final Site Plan and Minor Subdivision approval with variance relief required for minimum lot area, building side yard setback, number of off-street parking spaces and parking lot setbacks to property line.

Jim Downs, Owner, Applicant (Engineering Degree but not licensed) The Downs Group, 305 Palmer Road, Denville

Louis P. Rago, Esq. of Decotiis, Fitzpatrick, Cole and Wisler, LLP (Glenpointe Centre West, 500 Frank W. Burr Boulevard, Teaneck, NJ 07666)

Mark Zelina, Engineer of Maser Consulting, P.A., 200 Valley Road, Suite 306, Mt. Arlington, NJ 07856

Ray Liotta, Planner of Maser Consulting, P.A.

MPSV/SM 07-12: Tri-M Enterprises (Carried from April 9, 2008)
Block 20401, Lots 3 & 11
Smith Road

Chairperson Kuntz, Mayor Husa and Geoff Millington were not present at the April 9, 2008 meeting. For the record, Chairperson Kuntz stated that she listened to the tape of the meeting. Mayor Husa stated that he had technical difficulties and listened to the majority of the meeting. Based upon his experience, Glenn Buie stated that he did not feel comfortable voting on this application.

Ted Einhorn, Esq. (165 East Main Street, Denville) represented the applicant and remains under oath. Mr. Einhorn summarized the revisions made to the plan since the last meeting. He summarized the original application for five lots and variances. The revised application has removed the need for two variances by shifting the lot lines. Mr. Denzler confirmed that the variances are no longer needed. Surface recharge basin was a concern for the engineer. Mr. Walker provided a guesstimate preview previously to the board without the plans. The board decided that it would be best to hold off on questions from the board or the public until we have the finished plans. Mr. Walker is now prepared to provide a review of the revised plans.

Mr. Walker testified to the changes made and responded to questions made by Mr. Denzler. Using Exhibit A-3, April 9, 2008 Mr. Walker explained that the largest change to the plans is the lot lines. He reviewed the revised plans dated June 4, 2008 which included Lot 11.01 on the corner of Smith Road and the proposed road and indicated that the lot was shifted to the west twenty feet. Subsequently lot adjustments were made to lots 11.02, 11.03, 11.04 and 11.05 to meet lot size requirements. The variances for lots 11.01 and 11.05 were eliminated and all the lots meet zoning requirements.

The sketch (Exhibit A-4) from last meeting was reviewed depicting the difference in the property lines as modified. Yellow lines indicate what was originally proposed and the red lines show what is now proposed. The only revision is on Lots 11.04 and 11.05 where the rear property line is now perpendicular. The house and driveway was shifted slightly on Lot 11.02.

Mr. Walker reviewed the changes to the plans:

- ❑ Shade trees were added.
- ❑ At the suggestion of Mr. Rosania and the board, the storm water management facility was modified from a hole in ground adjacent to roadway. Exhibit A-3 shows the detention basin. The design now includes a row of pipes that infiltrate storm water into the ground. This meets the new storm water management requirements for infiltration, rate of run-off and water quality.
- ❑ The original outlet structure was near Lot 11.05 and has been moved towards the middle of the roadway, equidistant from all the dwellings.
- ❑ Modified the driveway apron detail to a 6" minimum as requested by Mr. Rosania.
- ❑ Modified the fire hydrants, one at the entranceway and one at the end of the cul-de-sac
- ❑ Modified the water service detail from ¾" to 1".
- ❑ The sewer on Lots 11.01 and 11.02 were evaluated to determine if the sewer line could be extended to Smith Road. The sewer line cannot be extended to Smith Road due to existing elevation of Nicole Drive and Smith Road.
- ❑ To avoid clear cutting the properties modifications were made to limit the disturbance. Some wooded areas with existing trees have been selected shown on the soil erosion and sediment plan. Pockets of trees have been saved on Lots 11.01, 11.02, 11.03, 11.04 and 11.05.
- ❑ The original plan for soil movement of 5,800 yards has been reduced by 2,400 yards. The 3,400 yards will be used onsite as part of the lot grading and to fill the detention basin. There will be no trucks moving soil on or off the site and a separate permit will not be required.
- ❑ The street lighting has been addressed with a street light at intersection of Smith Road and the proposed road and another at the end of the cul-de-sac.
- ❑ Added note 18 on cover sheet that indicates that the suggested road name of Mary Farm Road will be subject to the Mayor and Council and can be changed if preferred.
- ❑ Topography within 100' of the site has been added as requested by the County.
- ❑ In response to Mr. Denzler's inquiry on RSIS Design Standards, the road is 28' wide, allowing for two-way traffic, parking on one side of the road and a sidewalk. The cul-de-sac bulb meets diameter requirements and the road grade fully complies with RSIS requirements.
- ❑ Lot 11.05 will include a minimum of two trees and additional landscaping. The 50' strip of lawn is the responsibility of the property owner. Acceptable if maintained as formal lawn area. If approved, this will be made as a condition.

- In response to Mr. Denzler's report and the 10' wide right of way along the southerly property line. There are two easements. The first held by AT&T, has been discharged since the last meeting. The easement from Smith Road to the rear no longer exists. The second easement is a right of way from Mr. Cramsey's property, Lot 13. Lot 13 is no longer landlocked now that the property has access from Nicole Drive.
- More than adequate sight distance. In looking from the north down Smith Road there is 375' sight distance and looking down to the south there is over 500' of sight distance. Stopping sight distance requirement of 25 mph, which is the speed limit on Smith Road and you only need 155'. Intersecting sight distance requirement for a 25 mph speed limit need 280' and we have 375'.

In closing Mr. Einhorn and Mr. Walker confirmed that the subdivision conforms to sound engineering principals in terms of layout, drainage and sewerage.

Chr Kuntz opened questioning to professionals.

Mr. Rosania concurred with what the engineer's submittal letter and that they have addressed every item that was brought up at the last meeting. He stated that he would recommend approval at this time.

Mr. Denzler stated for the record that applicant will comply with any of the COAH affordable housing obligations generated by this development. Mr. Einhorn confirmed that they will and as required by law to do so.

Chr. Kuntz thanked the professionals and opened to the public for questions. Seeing no one, the public portion of the meeting was closed.

Chr. Kuntz opened to the board for questions. Mr. Schoner had no questions. Mr. Buie inquired about the berm detail. In response, Mr. Walker indicated that it would be mulch. Mr. Buie also asked about the area that would be undisturbed. Mr. Walker indicated that the heavy dashed lines depict this area. Mr. Buie also inquired about the dedicated maintenance of the detention basin provided by the town. Mr. Rosania indicated that the maintenance involved in removing and maintaining the heavy materials that there is settlement chamber that would need to be cleaned out approximately once a year by a vac truck. Mr. Walker confirmed that it's essentially the same maintenance as cleaning out the catch basins. Mr. Buie then inquired about the landscaping being further enhanced. Mr. Walker indicated that these are upscale homes and expects that the property owners will do a nice job of the landscaping. Mr. Buie then indicated that he appreciates that this was made a variance free application.

Mayor Hussa inquired about the advantage of a series of pipes over a dry well situation. Mr. Walker indicated that dry wells would not have provided enough drainage based upon the State of NJ's calculations. Mr. Rosania added in that perforated pipes over a bed of stone would provide better drainage instead of surface drainage. Mayor Hussa expressed a concern for the volume of water and that it not be similar to the wet situations down lower on Smith Road. Mr. Walker responded that this is not a problem where soil logs have been done. Mayor Hussa indicated that he believes that the portion of the tape that he had technical difficulty with was inconsequential and if acceptable, requested to be included in the vote on this application. Ms. Cofoni, Esq. and Mr. Einhorn, Esq. indicated that the application was essentially covered from the beginning at this hearing and agreed that all members present were eligible to vote.

Mr. Nienstadt had no further questions. Mr. Maffei questioned how to prevent the homeowner of Lot 11.05 from damaging the infiltration system. Mr. Rosania indicated that there is an easement to maintain the operational repairs and aspects of the system. It will be noted in our records and that they are also responsible for the aesthetics.

Chr. Kuntz had one question regarding the land being farmed and if pesticides were ever applied to the soil. Mr. Frank Malvezzi was present and sworn in. (Post Office Box 527, Emmaus, PA 18049) Mr. Malvezzi testified that the property was never commercially farmed and was only used for a personal garden and Christmas tree farm. Pesticides were not used on the trees. Chr. Kuntz inquired about maintaining heritage trees. Mr. Walker indicated that shade trees were not specified. Mr. Rosania indicated that sugar maples would possibly be used and that resident's in this area typically plant ornate plantings.

Chr. Kuntz concluded the questioning and Ms. Cofoni, Esq. provided a summary of the conditions; soil movement permit would be included in the application, the typical conditions of soil movement will be included, the maintenance of the storm water basin to provide the ability but not the obligation for the town to maintain. The aesthetics and landscaping will be the

obligation of the property owner. COAH obligations should be met. Applicant has agreed to reasonable tree preservation where possible.

A motion to **approve** this application was made by Mbr. Buie, seconded by Mbr. Nienstadt and unanimously agreed upon by the board.

Roll Call: Ayes – Buie, Nienstadt, Schoner, Maffei, Husa and Kuntz.

SPV 07-17: Morris County Housing Authority (Carried from May 28, 2008)
Block 21301, Lot 7
Peer Place

Mr. Douglas Henshaw, Esq. of Porzio Bromberg & Newman, P.C. (100 Southgate Parkway, Morristown) represented Morris County Affordable Housing Authority, non-profit subsidiary of Morris County Housing Authority (99 Ketch Road, Morristown). Mr. Henshaw provided a recap of the May 28, 2008 hearing. He indicated that this application is to build six affordable ownership units along the cul-de-sac of Peer Place on a leftover piece of land not previously built upon. Prepared revised plans to address the boards and professional's concerns and asked Mr. Michael J. Spillane, P.E of Spillane Engineering Associates, LLC (124 Morris Turnpike, Randolph) to testify.

Mr. Spillane was present and remains under oath. He provided a recap from the last meeting using the revised plan dated June 16, 2008. He provided an overview of the changes that include additional landscaping up around the units, an additional light on the site, lights over each garage door and entrance. The parking lot will be adequately lit from a safety standpoint. The slope area at the end of the parking lot has been leveled beyond the area that will be built upon. A picket fence has been included in the level area to prevent balls from going down the slope.

In response to Mr. Denzler's inquiry on the neighboring properties, Mr. Spillane referenced Exhibit A-6 depicting the area of the development. The only residential units are well over 1,000' in horizontal distance and 500' in vertical distance from proposed site. The proposed development will only be visible to the other housing units. The minimum parking size of the 6 parallel spaces to the curb is 8' x 25'. Onsite spaces in front of the units will comply with the ordinance.

Mr. Rosania stated that there are wetlands dependent issues and inquired about the buffer requirements and status of the application with the State. Mr. Spillane indicated that the transition area was filled and made an application to the State for a wetlands determination and they are awaiting an adjustment to the transition area for this development. It's been pending since March and has been directed by the DEP. Mr. Spillane indicated that the buffer requirement is a straight reduction to 100' and then they were averaging other areas down to 75'.

Mr. Rosania then inquired about the fence and proposed guardrails. Mr. Spillane indicated that the fence on the easterly side goes to the road and that it could be extended on the westerly side to the front of the building of unit 6. Mr. Rosania recommended guardrails on at least the two steepest sides. Mr. Spillane requested that the inclusion of a guardrail be determined by Mr. Rosania after the parking lot has been completed and before any certificates of occupancy. Chr. Kuntz indicated that the board would want to see a guardrail installed. Mr. Rosania then mentioned the lighting has been addressed and the area issue is a diminimus amount. Mr. Rosania indicated that a fairly good job was done in addressing the board's concerns and it should be a safe site.

Mr. Denzler indicated that his questions had been addressed during the supplemental testimony. For the record, he inquired about the variances for lot area, front and side yard setbacks. He asked if Mr. Spillane agreed that the variances are warranted under both the C1 (hardship) and C2 benefit outweighs the detriment in the terms of the property configuration and the steep slopes, wetlands and the public as it relates to affordable housing. Mr. Spillane agreed. Mr. Denzler agrees that the lot area is of a diminimus variance. Mr. Spillane confirmed for Mr. Denzler that he believes the 8' parking is adequate and will provide safe and efficient onsite circulation and safety.

Chr Kuntz. Opened to questions from the board. Mr. Maffei had no questions. Mr. Nienstadt commented on the posted no parking on Peer Place for Mayor Husa to investigate a possible ordinance. Chr. Kuntz discussed the split rail fencing and inquired if it would remain open or to have backing. Mr. Henshaw indicated that it's currently to remain open. Mr. Spillane indicated that if the board would like, a mesh or backing could be included. Chr. Kuntz suggested a more

substantial fence such as a higher fence with backing and inquired about a firewall. Mr. Henshaw indicated that the cost is an additional \$15,000.00 to add firewalls. He indicated that the building has sprinklers and complies with code without adding firewalls. Mayor Husa commented that more fence is better than less and that bigger and higher would be best. Mayor Husa also inquired about the plans for the hill. Mr. Henshaw indicated that the DEP plans for restoring the wetlands and buffer will be met. Mr. Buie is pleased to see the revisions regarding the fence and lighting and inquired about the sprinkler system. Mr. Henshaw indicated that units are modular and they will be built in Pennsylvania. They are subject to DEP approval. If there are changes they will have to come back for approval. Mr. Schoner inquired about the no parking on Peer Place and where people will be able to park. Mr. Henshaw indicated that they exceed the State requirements for parking and suggested speaking with the governing body about the ordinance. Chr. Kuntz had a question about the conversion of the dining room being a condition. Mr. Henshaw confirmed it was appropriate. Ms. Cofoni agreed that the parking would not exceed the quantity of bedrooms. Mr. Henshaw agreed that this was previously agreed upon.

Mayor Husa inquired about the 6 COAH units being Round Two or Round Three. Mr. Denzler agreed this was Round Three.

Chr. Kuntz opened to the public. Seeing no one, the public portion was closed.

Ms. Cofoni summarized the conditions of approval would be subject to the DEP wetlands buffer delineation. Soil erosion and movement plan submission to Morris County. The planning board or municipal attorney will supply the condo documents and bi-laws. Deed restriction for additional bedroom and dining room conversion would have to be submitted to the zoning officer for approval.

A motion to **approve** this application was made by Mbr. Buie, seconded by Mbr. Schoner. Roll Call: Ayes – Buie, Schoner, Nienstadt, Maffei, Husa and Kuntz.

OLD BUSINESS

Chr. Kuntz suggested that the budget for next year's Atlantic City conference be increased. It is an important part of continuing education to attend seminars once a year. Mayor Husa responded that the board members are always welcome to go and the entrance fee is covered. Other towns are not as liberal. The Mayor reminded everyone that feedback that members bring back is useful information.

ADJOURNMENT

Mbr. Buie made a motion to adjourn and Mbr. Schoner seconded the motion.

Denean Probasco, Board Secretary

Date adopted