

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

September 24, 2008

The Planning Board of the Township of Denville held its regularly scheduled meeting on Wednesday, September 24, 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** – Sue Filauro, Glenn Buie, Howard Shaw, Peter Nienstadt, Lou Maffei, Jim Schoner, Mayor P. Ted Husa, Chr. Marilyn Kuntz

Absent – Geoff Millington

Professionals present – Edward J. Buzak, Esq., Nicholas Rosania, PE, P.P., William Denzler, PP

PURCHASING:

Motion to pay vouchers submitted by William Denzler & Associates subject to the availability of funds, was made by Mbr. Buie and seconded by Mbr. Filauro and unanimously approved by all Members present.

Motion to pay vouchers submitted by Township of Denville subject to the availability of funds, was made by Mbr. Shaw and seconded by Mbr. Buie and unanimously approved by all Members present.

CORRESPONDENCE:

Ordinance 24-06.

PROFESSIONAL COMMENTS:

Nicholas Rosania, Township Engineer mentioned that the recent bus tour was successful. Members of the Planning and Zoning Boards along with members of the Council got together to review various projects around town at different stages of approval and development. Mayor Husa added his thanks to those who attended. Mayor Husa further added that three parcels of land were presented to the Morris County Open Space Committee for consideration. The first is a 10 acre parcel on the corner of Hill and Cooper Roads. The second is several parcels adjacent to the Muriel Hepner Park in the back and the third piece is contiguous to Jonathon Woods. All three properties are contiguous to existing parks.

RESOLUTIONS:

**MSV 07-14: Rosemarie Totaro
Block 31109, Lot 13
13 Lake Lenore Road**

PUBLIC HEARINGS:

MS/SS 05-17 Briar Rose Group, Inc. (Carried from August 13, 2008)
97 Highland Trail
Block 40815, Lot 1700.01

Chr. Kuntz provided a review of parliamentary procedures and testimony.

Mr. Allen Hantman, Esq., Morris & Hantman (168 East Main Street) represented the applicant, Briar Rose Group, Inc. and remains under oath. Mr. Stewart and Mr. Barbieri were sworn in as professional witnesses. Mr. Hantman, provided an overview of the application. He indicated that they are seeking to divide two lots and stated that both of the lots are substantially larger than the zone requires. They are impacted by severe slopes and requesting a variance for lot depth on the larger of the two lots (Lot 1700.01) as indicated on Sheet 1 of 6 (Exhibit A-3) dated August 13, 2008.

The area on the easterly side has a boundary line of 15,111' and 9,633' on the westerly side. Mr. Hantman stated if the applicant were to cut off 12' of Lot 1700.01 and give it to the neighbor, the required variance would be eliminated. Based upon the proposed home being located in the deeper portion of the lot, Mr. Hantman believes the variance to be insignificant. Mr. Rosania inquired if the variance could be eliminated by moving the proposed subdivision lines easterly.

Mr. Hantman confirmed this would work statistically but not aesthetically. Mr. Rosania concluded that the application could be variance free by shifting the lot line or building only one home on the lot.

Mr. Alfred A. Stewart, Jr., of Stewart Surveying and Engineering, Inc. (25 Pine Street, Suites 3 & 4, Rockaway) was present and remained under oath. Mr. Stewart provided an overview of the six pages of plans. Sheet 1 of 6 was subdivision and topography (Exhibit A-2), Sheet 2 of 6 (Exhibit A-3) shows the Grading Plans that include dry wells. Sheet 3 of 6 (Exhibit A-4) includes the soil logs indicated a K-4 soil type with good permeability. Retaining walls in the front of the dwelling, upper end of the driveway, bottom side of the driveway and by the side of the dwelling towards the rear to create a plateau for the proposed dwelling (Exhibit A-5). The maximum height of the walls will be 6'. The fence will be eliminated but a guardrail will replace it for safety issues on Lot 1 only. Mr. Stewart testified that the majority of the site is in the 30% slope and that if the lots were not divided neither the variances for slopes could not be eliminated or the slopes be reduced. Sheet 5 of 6 (Exhibit A-6) shows proposed and existing grades. Sheet 6 of 6 (Exhibit A-7) shows the details of the project.

Mr. Stewart provided a review and response to the Township Engineer's report dated August 12, 2008. The applicant agrees to the following: Providing metal fence posts with a vinyl fence. Increasing the 13.8' minimum curve radius to 15' on the driveway. The driveway curb on the west lot will be marked more clearly (Exhibit A-2), the layout plan on the left portion of the plan shows the granite block curb for both the driveways and along Highland Trail for the width of the frontage, drain inlets will have a headpiece with a Type B on Lot 1 and on Lot 2 will be a straight trench grate Type A without headpiece. Roadway widening will be increased to 4'. Plantings species increased to 4'-5', planting detail of arborvitae will be clarified better on the plan. Fence and guide rail locations will be specified on the plan. Wall height for all locations will be labeled correctly on the drawings. Plans to include RediRock wall detail including curb line location.

Mr. Stewart provided numbers regarding the quantity of fill. The fill is estimated at 643 cubic yards for Lot 01 and 1,220 cubic yards for Lot 02. Based upon a total fill of 1,863 cubic yards at approximately 20 cubic yards per truck, the cut and fill locations equate to 112 truckloads back and forth from the property. This includes a 15-20% swell factor. Continuing his testimony, Mr. Stewart reviewed the Plan (Exhibit A-4) as it pertains to soil silt to downhill properties and agreed that hay bales would be used. Although it's not required by ordinance, detailed construction staging and build out plans will be provided. The plans will be modified to address the comments from the Morris County Soil Conservation District so that certification can be obtained. Slope disturbances will be addressed in the planner testimony. The driveway is 12' and is in compliance as indicated by the driveway profile sheets (Exhibit A-5). Applicant will also provide stairs traversing the driveway (Exhibit A-2) and will review with township engineer. Drainage report was provided independently. Each home will have two dry wells each 3,500 gallons.

Mr. Louis Barbieri (123 East Main Street, Denville) architect and professional planner testified to the architectural plans that he prepared. Reviewed plans for proposed Lot .01 (Exhibit A-8) and Lot .02 (Exhibit A-9). Both are central hall colonials, with 6' deep covered porches, 1st story stone façade and nice size rear decks. Typical two-story front with walkout basement making it three stories in the rear. Living area on Lot .01 for first floor is 1,276 sq. ft. and 1,288 sq. ft. on the second floor. Living area on Lot .02 for first floor is 1,392 sq. ft. and 1,156 sq. ft. on the second floor. Both homes have four bedrooms, two baths, unfinished basements and unexcavated areas beneath the garage. Two homes across the street were used as a comparison with 2,200 and 4,100 sq. ft. of living area.

Mr. Barbieri addressed the difficulties of moving the lot lines. The first variance is for a lot depth of 122' where 125' is required on Lot .01. Moving the line to the east would make it difficult for the driveway and would make Lot .02 narrower. These lots are much larger than other lots in the neighborhood and deeper than almost every lot in the neighborhood. The need for the second variance for walls and fences has been eliminated. The remaining variance is for steep slopes due to the peculiar and exceptional topography of the two lots. Mr. Barbieri provided a summary of the three site plan options for developing this property. The first and original plan was to build the home closer to Highland Trail requiring front yard variance, rear retaining walls and would leave no rear yard for the homeowner. The second was to build the home just beyond the setback but would require multiple 6' retaining walls 10' apart and the driveway would have been excessive. The third was to build what is currently proposed, allowing conformance with the 10% maximum slope, minimizing the retaining walls to 6' and allowing homeowners useable backyards.

Mr. Richard Tkach (414 Beverwyck Road, Parsippany) principal of Briar Rose Group, Inc. was present and sworn in. Pictures were renumbered as A-1A, B, C & D demonstrated from the RediBlock website. A-10A and A-10B. A-10 is Indian Lake but not the same wall with a decorative face. The stamped face 18" high and 36" wide would be used. Four courses would be a 6' wall.

Chr. Kuntz opened to questions from the professionals.

Nick Rosania, Township Engineer requested cross-examination of the engineer first. Discussed the differences of having one home on this lot which is currently one lot requesting a minor subdivision. Mr. Rosania inquired if one home would create less disturbance, less drainage mitigation and a less severe serpentine driveway. Mr. Hantman objected to the entire line of Mr. Rosania's questioning. Mr. Stewart agreed that there would be less disturbance with one home but stated that from an engineering stand point it would be feasible to have the two homes. Mr. Stewart indicated that one home could be much larger than the proposed homes. Mr. Rosania inquired about the ASHTO minimum turning radius and if templates were used.

Further discussion took place regarding the minimum width, radius, type and speed of vehicle, navigation of turn and overhand. Mr. Rosania entered a template (Exhibit B-1) from a Seeley's design manual for engineers on minimum curve radius. That the minimum turn radius on a 19' long vehicle for a 90 degree turn at grade is almost 20'. Mr. Stewart would verify if the overhand was addressed and will try to obtain a sample from ASHTO. Mr. Rosania indicated that emergency vehicles would need to be able to traverse the driveway. Mr. Stewart indicated that a meeting with the fire chief has not yet occurred and the plans have not been revised. Mr. Rosania referenced the two-page response from the Morris County Soil Conservation District. Mr. Stewart will comment at a future time and stated the plans will be revised accordingly.

William Denzler, Township Planner indicated that the original slopes disturbance of 37-38% is now up to 82%. Stated for the record that the variance was lost before the design change due to the ordinance and stressed the importance of justification of other alternatives. Mr. Barbieri produced an original drawing from his file indicating that there was the same amount of slopes disturbance with the home towards the front of the property with three 6' high walls. He stated that the disturbance is the same and the disturbance in the front of the property is for the driveway as the slopes are steepest in the front of the property.

Mr. Denzler requested additional information for a comparison to be presented to the board, from the original design with the home up close to Highland Trail. Interested to see something between the original design and the current design and would like it to the part of public record. Mr. Buzak inquired if the design that has twice the amount of steep slopes disturbance is preferable to a design without because it eliminates the variances. Mr. Barbieri stated the preferences include the neighbors behind having less to look at as well as the homeowner having a backyard. Mr. Buzak stated that the construction of the driveway is the improvement that affects the steepest part of the driveway. Mr. Barbieri confirmed this regardless.

Mr. Denzler voiced concern about building homes on Phelp versus Native. Mr. Stewart indicated based upon compaction methods no, just a matter of expense. Mr. Denzler requested a better explanation of better useable rear yard in this design and based upon the 12' in the original plans, requested additional information on the disturbance.

Mr. Buzak indicated that Mr. Denzler should supply a letter to the applicant on what they should supply and requested Mr. Rosania to do the same. Mr. Rosania requested the run-off coefficient as he believes it should be increased and requested a better drainage plan. Mr. Stewart indicated that he would look at it. Mr. Buzak requested if October 30, 2008 would be an acceptable timeframe and Mr. Stewart confirmed.

Chr. Kuntz indicated that this application would be carried without further notice to December 10, 2008.

ADJOURNMENT:

Motion to adjourn.

Denean Probasco, Board Secretary

Date adopted