

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

October 22, 2008

The Planning Board of the Township of Denville held its regularly scheduled meeting on Wednesday, October 22, 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 Hussa, Chr. Marilyn Kuntz, Glenn Buie, Sue Filauro, Howard Shaw, Jim Schoner, Lou Maffei, Geoff Millington
Absent – Peter Nienstadt
Professionals present – Edward J. Buzak, Esq., Tiena Cofoni, Esq., Nicholas Rosania, PE, P.P., William Denzler, PP

MINUTES:

September 10, 2008

Motion to adopt the minutes as submitted was made by Mbr. Shaw, seconded by Mbr. Maffei and unanimously approved by all Members present and able to vote.

PURCHASING:

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

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

CORRESPONDENCE:

PROFESSIONAL COMMENTS:

RESOLUTIONS:

**SP/FSP 08-02 Lerner Enterprises
89 Route 46 East
Block 41208, Lot 1**

Motion to adopt the resolution was made by Mbr. Filauro, seconded by Mbr. Maffei, and approved by voting members.

Roll Call: Ayes – Filauro, Maffei, Shaw, Schoner, Hussa, Kuntz

PUBLIC HEARINGS:

**SP/FSPV 08-04: Orchard Street, LLC
Block 50410, Lots 11 & 23
Orchard & Clark Streets**

Michael J. Rowland, Esq. represented the applicant Orchard Street, LLC, Jack Onorati and Tom Carvagno. William Denzler, Township Planner recused himself on this application. Nick Rosania, Township Engineer will also be acting as a professional planner. Marc Walker of Dykstra Walker Design Group, Engineer was present, sworn in and accepted as a professional witness.

Mr. Walker began his overview using the topographic (Exhibit A-1) survey showing the perimeter of lots 11 and 23 with Clark Street to the north and Orchard Street to the east. Mr. Walker testified that the current two residences on the property are non-conforming for setbacks. Both lots are located in the flood hazard zone (indicated in red) and at 30' wide are substandard for the zone. The majority of the property is in the flood hazard area with an elevation of 509.5 and will require a stream encroachment approval from the DEP. The applicant is requesting Preliminary/Final Site Plan approval to remove the two existing structures and merge the lot to build a total of 5 residential housing units. Requiring relief for building length, soil movement, tree removal and a variance relief for off-street parking.

With 9,775 sq. ft. the project meets the required 9,500 sq. ft. of the DR zone. A colorized rendering (Exhibit A-2) was shown to reflect the surrounding dwellings with proposed buildings in green and existing structures in stripes. The project would meet the required 10' front and 5' side yard setback on Orchard Street. As well as the 15' rear yard by using Clark Street as front yard and the rear yard behind the building. Mr. Walker stated the applicant meets impervious coverage requirements and at a 29' building height is under the required 36'. A variance would be required for the proposed building length of 138.5' where 125' is required. Applicant proposes 14.4' for general parking where 10' is required and one affordable unit with 20% set aside. The center unit would be an affordable unit and with two proposed 3 BR town homes on each side. The four market value units would have garages, parking in garage and in driveway off Clark Street. An additional four parking spaces would be located in front of the garage making the car half on the property and half in the right of way. There is a requirement of 11.9 parking spaces for the project on the property. Applicant is proposing a total of 12 parking spaces and requires a variance for parking off the property. There is a DEP requirement that parking spaces not be located in a flood area preventing relocation of parking spaces on Orchard Street. Currently propose the front yard on Clark with rear yard behind the building creating a maximum 15' buffer to the residences behind the property. Shifting the building back would increase the paved area and impervious coverage. The proposed plan minimizes the impervious coverage and maximizes the buffer.

Mr. Walker discussed the Township Engineer's report dated October 22, 2008 and indicated that they have provided drainage calculations to reflect a decrease in the run-off from the property. The property would have less than one acre of disturbance and less than ¼ acre of impervious coverage. A comprehensive drainage report is not required since the project qualifies as a minor project for storm water. The runoff from the units will be infiltrated from the roof into the ground through long shallow chambers. Using a series of gutters the runoff water will be collected and directed to the two infiltration chambers. Applicant complies with both state and local regulations regarding flood storage. The required 30.7 c. y. of cut less the 20.7 c. y. of fill leaves a net of 10 c. y. of cut providing an increase of flood storage on the property.

A soil erosion permit from Morris County would need to be a condition of approval. Private lighting fixtures will be metered and paid for by the homeowner's association for the project. Two variances required for length of building and parking spaces in the right of way.

Shortening of the building would have to be shortened by 13.5' to meet the requirement. Mr. Walker referenced architectural plans (Exhibit A-3 - First Floor, Exhibit A-4 - 2nd Floor, Exhibit A-5 - Colored Rendering) and reviewed the total square footage of 1,517 for the four 3 BR units with 673 sq. ft. on the first floor excluding the garage. The 2 BR affordable unit is 892 sq. ft.

Through Nick Rosania, Township Engineer's comments it was determined that the affordable unit could be rented or sold and does not have a garage. That due to the size of the affordable unit, if the 13.5' building length for variance should be reduced, it could be only be divided by the remaining four units. That 30' exists from the edge of the pavement to the garage without having to recess the garages. Mr. Walker confirmed that a drainage report would be forwarded and that applications to MCSCD and DEP have not yet been made. In response to Mr. Rosania's suggestion that the rear yard not have spotlights, Mr. Walker confirmed that lighting with a downward lip could be used.

Chr. Kuntz opened the application to the public, seeing no one closed the public portion.

Chr. Kuntz opened the application to the board for questions.

Mbr. Shaw indicated his preference for sidewalks and inquired about lighting. Mr. Walker confirmed that other than the proposed sidewalks from the parking spaces to the units, there are currently no sidewalks on Clark Street and there are none on Orchard Street. Applicant has no objection to putting sidewalks in. There will be lighting on the front of the units and parking for one car in the garage and two cars in the driveway. Mr. Walker indicated that Clark Street is

30' wide and provides better accessibility than Orchard Street. The two driveways currently on Orchard Street will be eliminated. The applicant agreed to Mr. Rosania's suggestion to widen the area where the new curbing would be installed.

Mbr. Buie agreed that sidewalks would be beneficial. He inquired about the detention basin located in the flood hazard area and garbage. Fire walls were deferred to the architect. Mr. Walker indicated that the property is on the edge of the hazard area and that a perc test would be required to determine permeability. Garbage will be handled by individual homeowner's in the garages. Mr. Walker indicated that there would be a small patio incorporated into the plans.

Mbr. Schoner had no questions.

Mbr. Filauro inquired about a basement. Mr. Walker indicated that there would be a small uninhabitable crawl space with flood vents. Heating and cooling units will be in the attic. Mr. Walker addressed the parking and indicated that there is parking in the garage, in the driveway and municipal lots on Church and Clark and post office. Mbr. Filauro commented on having more deciduous trees instead of the five proposed white pines.

Mbr. Maffei and Mbr. Millington had no questions.

Mbr. Shaw emphasized his preference to have fire walls. Mr. Walker believed that it would be a requirement and confirmed that it would be to code.

Mayor Hussa inquired about moving the building back to have two cars in the driveway. Mr. Walker confirmed that it is already possible without shifting the building. Moving the building would increase the paved area, eliminate the rear yard patios and would decrease the buffer between the building and the residences.

Chr. Kuntz's main concern was losing public parking along Clark Street. Additional comments were the affordable housing unit's size, lack of a garage and first floor design. Mr. Rowland reminded the board that it was not a final plan but an architectural rendering and will review all comments with the architect.

Mbr. Schoner commented on centering the building and making four nice condo units. Mr. Walker responded about the need to meet the criteria for having enough units to support having an affordable housing unit.

Ed Buzak, Esq. discussed the demographics of the parking and the limit of dedicating parking to this project. Mr. Walker confirmed that nothing will prevent the public from using the perpendicular spaces in the ROW. In closing, it was suggested that the architect be present at the next public hearing.

Chr. Kuntz indicated that the application would need to be **carried** to the January 14, 2008 reorganization meeting for scheduling.

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

Applicant is requesting Preliminary 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.

Louis Rago, Esq. representing the applicant and provided a recap of the September 10, 2008 meeting requesting a subdivision of the property, preliminary site plan approval of the building and bulk variances. A meeting between Mark Zelina and Nick Rosania took place on September 23, 2008. The applicant has agreed to the suggestions and the changes have been incorporated into the modified rendering. Two witnesses will testify. The engineer's report was referenced. In response it was noted that the modified rendering includes a sidewalk. A Phase I Environmental Assessment was performed in May 2005 indicating that no further testing was required for environmental due diligence. A copy of which will be provided to the Township Engineer. The traffic patterns will be addressed by a traffic specialist. Requesting less parking for the project then is required.

Mark Zelina, PE of Maser Consulting (331 Newman Springs Road, Redbank) was present and remained under oath. Mr. Zelina provided a summary of the proposal from an engineering standpoint referencing the Township Engineer's report dated July 7, 2008 and the Town

Planner's report dated April 3, 2008. Mr. Zelina reviewed a handout that was provided to the board members (Exhibit A-4) Landscape Plan Rendering.

A sidewalk has been included along the property frontage. Landscape screening between the proposed building and Palmer Road to include evergreen shrubs and deciduous trees has been included in the rendering. The plan also addresses proposed parking for present and future use. The light brown building exists and the two dark brown buildings are proposed. The light grey area represents existing pavement and 47 parking spaces on Lot 4.01 where 1 space for every 200 sq. ft. of useable building area is required. The total building area is 11,400 sq. ft. for a total of 57 parking spaces. Applicant will be providing curbing and drainage for the parking area for the existing building. The ten parking spaces are proposed as "banked" parking spaces to be built at a future time if needed. The applicant indicated that any future parking spaces in the banked areas would not require relief for setbacks or impervious coverage. The dark grey area represents the pavement and parking for the proposed building on Lot 4.02. The total proposed building area is 20,000 sq. ft. requiring 100 parking spaces. The sixteen parking spaces are proposed as "banked" parking spaces to be built at a future time if needed.

John J. Jahr, Traffic Safety Operations Specialist for Maser Consulting, P.A. (331 Newman Springs Road, Red Bank) was present, sworn in and accepted as a professional witness. Mr. Jahr testified that the site provides safe access and egress, onsite circulation, adequate parking sight distance. The site is suited to the use and in character with the road and there are no negative impacts to the surrounding area.

A formal traffic study was not performed. Mr. Jahr testified that the current parking is underutilized and not at capacity. Peak hours for the area are determined to be between 7-9 a.m. and 4-6 p.m. The trip generation that was performed indicates that the site is allowed to build a larger building that would require more parking than proposed. The trip results indicate that a total of 42 trips (37 entering, 5 exiting) is proposed for the morning peak hours where 57 trips (34 exiting and 7 entering) is allowed and 40 trips is proposed for the evening peak hours where 55 trips is allowed. It is normal to find differences in the numbers for required, projected and actual use.

The total Average Daily Traffic volume (ADT) for the site during a 24 hour period is 10% of the ADT of 400 vehicles. Formal trip distribution for incoming and outgoing traffic was not performed but the peak hours for commercial and residential are different providing a good fit.

Chr. Kuntz opened the application to the public.

Erika Student was present and sworn in. Residing in Berkshire Hills, Ms. Student voiced concerns about traffic and the limited visibility from one of the entrances. Ms. Student was seeking assurances that the town was going to do everything possible to prevent accidents and further deaths on Palmer Road. Mr. Rosania responded that the sight distance, circulation and safety would be addressed by the town and monitored by police. Mayor Husa indicated that several changes were recently made to accommodate the traffic flow on Palmer Road.

Mbr. Schoner had no questions.

Mbr. Filauro inquired about stop signs and received confirmation of same.

Mbr. Buie inquired about the parking. Mr. Jahr indicated that there is always a way to increase parking, such as a parking garage. The applicant confirmed to Mbr. Buie that there is no way to divide the property and have two conforming lots.

Mbr. Schoner inquired about the parking spaces along the drive. James Downs, owner and partner at The Downs Group (305 Palmer Road, Denville) previously sworn under oath spoke to the three parking spaces in the driveway being for the executive use during the evening hours. Mr. Downs agreed to Mbr. Schoner's suggestion to mark the spaces for reserved parking.

Mayor Husa inquired about the widening the current 24' driveway for parking along the side as an alternative to banked parking. The response was that it may become an ingress and egress issue.

Mbr. Shaw inquired about the smaller parking spaces proposed. Applicant is proposing 9' x 18' where the ordinance requires 10' x 20'.

Mbr. Maffei had no further questions.

Chr. Kuntz inquired about the warehouse. Mr. Downs responded that the current use of an art studio will remain the same. The existing 25' ceiling height is not required and will be dropped for a consistent ceiling height.

A motion to **approve** this application with conditions was made by Mbr. Shaw and seconded by Mayor Husa and unanimously approved by all members present and able to vote.

Roll Call: Ayes – Shaw, Husa, Filauro, Buie, Maffei, Schoner, Kuntz

ADJOURNMENT:

Motion to adjourn.

Denean Probasco, Board Secretary

Date adopted