

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

March 12, 2008

The Planning Board of the Township of Denville held its regularly scheduled meeting on Wednesday, March 12, 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 Bowditch read Notice of Public Meeting.

Roll Call: Present – Mayor P. Ted Hussa, Marilyn Kuntz, Howard Shaw, Glenn Buie, Nick Stecky, Louis Maffei, Jim Schoner, Geoff Millington

Absent – Peter Nienstadt

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

MINUTES

December 12, 2007

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

January 23, 2008

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

PURCHASING:

Motion to pay vouchers submitted by Edward Buzak, Esq. (dated February 1, 2008) subject to the availability of funds, was made by Mbr. Shaw and seconded by Mbr. Buie and unanimously approved by all Members present.

Motion to pay vouchers submitted by William Denzler & Associates (dated February 5, 2008 and March 3, 2008) subject to the availability of funds, was made by Mbr. Shaw and seconded by Mbr. Buie and unanimously approved by all Members present.

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

CORRESPONDENCE

PROFESSIONAL COMMENTS

RESOLUTIONS

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

Ms. Cofoni reviewed the resolution and highlighted the change on the black lined version.

Motion to adopt the memorializing resolution, as changed, was made by Mbr. Shaw and seconded by Mbr. Schoner.

Roll Call: Ayes – Shaw, Schoner, Kuntz, Hussa, Buie, Stecky, Maffei

PUBLIC HEARINGS None

OLD BUSINESS:

Mr. Denzler confirmed the changes to the application previously suggested by Mr. Buzak have been made and the Board of Adjustment has adopted the application form as submitted. A forward parenthesis will be added to page 3 as noted by Mbr. Millington.

Motion to adopt the proposed new application form for the Planning Board and Board of Adjustment, effective March 13, 2008 was made by Mbr. Buie and seconded by Mbr. Shaw.

Roll Call: Ayes – Buie, Shaw, Kuntz, Hussa, Stecky, Maffei, Schoner

NEW BUSINESS:

Proposed Ordinance #1-08, Storm Water control ordinance, was discussed. Ms. Cofoni confirmed the Planning Board approved this ordinance a few years ago and it is just being relocated from the General Ordinances to the Land Use Ordinances.

A motion to recommend this ordinance for adoption was made by Mbr. Buie and seconded Mbr. Shaw.

Roll Call: Ayes – Buie, Shaw, Kuntz, Hussa, Stecky, Maffei, Schoner

Proposed ordinance #2-08, Right to Farm ordinance, was discussed. Ms. Cofoni stated the Township is required to have this ordinance in place in order for the County to be able consider farmland preservation within Denville. It would protect commercial farms from being susceptible to nuisance claims for farming activities and also provide protections from certain other local ordinances. Ms. Cofoni confirmed not every farm would be covered by right to farm act because the ordinance covers specific farming activities. The local right to farm ordinance mirrors parts of the State ordinance, permits agriculture within all zones of the Township and requires there be 5 acres of farmland and one acre for the house (contiguous or non contiguous lots). It was discussed that the farm would have to qualify under the strict rules of the ordinance. Mbr. Buie asked why the Township would want farming to be allowed in every zone? He would like to limit the zones where agriculture or farming is allowed in this ordinance. For example, he would not like to have farming in downtown Denville or in the age restricted zone.

There was a discussion as to what is required in the ordinance to allow the County to approve the ordinance for farmland preservation.

It was discussed that the ordinance should restrict farming in all business and industrial zones.

Chr. Kuntz noted ordinance 19-5.11, uses permitted in the residential zones, addressed farming and asked that the Council review this to make it consistent with the new ordinance.

A motion to have a letter sent to the Township Council with the recommendations discussed was made by Mbr. Shaw and seconded by Mbr. Buie.

Roll Call: Ayes – Shaw, Buie, Kuntz, Hussa, Stecky, Maffei, Schoner

Chr. Kuntz was concerned about sheds in the Township. Mr. Denzler explained he is putting together a list of concerns for ordinance changes, which includes the shed issue, impervious lot coverage, lighting standards, building height, building coverage, and more.

Mr. Denzler discussed the new regulations from NJ DEP with regard to the buffers.

At this point, the Planning Board went into closed session in order to discuss the Briar Rose Escrow Challenge. Minutes to follow.

ADJOURNMENT: The planning board came back from closed session. Motion to adjourn.

Kathryn Bowditch, Administrative Secretary

Date adopted