

TOWNSHIP OF DENVILLE  
PLANNING BOARD  
MINUTES

**September 23, 2009**

The Planning Board of the Township of Denville held its regularly scheduled meeting on Wednesday, September 23, 2009. 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 Hussa, Chr. Kuntz, Vice Chr. Filauro, Glenn Buie, Peter Nienstadt, Lou Maffei, Jim Schoner, Kurt Schmitt, Howard Shaw  
                      **Professionals present** – Tiena Cofoni, Esq., Nicholas Rosania, PE, William Denzler, PP

**MINUTES**

**September 9, 2009**

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

**PURCHASING**

Motion to pay vouchers submitted by Denzler & Associates, (dated September 1, 2009) subject to the availability of funds, was made by Mbr. Shaw, seconded by Mbr. Maffei and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by The Buzak Law Group, (dated September 11, 2009) subject to the availability of funds, was made by Mbr. Shaw, seconded by Mbr. Maffei and unanimously approved by all Members present and able to vote.

**CORRESPONDENCE**

Chr. Kuntz referenced the Ordinance 21-09 Downtown Overlay Zone.

**PROFESSIONAL COMMENTS**

Mayor Hussa stated that he was going to ask the Engineer if he would apply for a General Purpose 26 Permit to allow the Township to modify stream banks. The Mayor also announced that volunteers are wanted for partnering on the clean up of the river with St. Clare's Hospital this coming Saturday.

Nicholas Rosania, Township Engineer commented that he had nothing unusual to report.

William Denzler, Township Planner indicated that the ordinance introduction referenced under Correspondence that it would be discussed under New Business.

**RESOLUTIONS**

**MSV 09-03:     Hollstein & Jones  
                      100 Woodstone Road  
                      Block 40001, Lot 42 & 50**

A motion to adopt the memorializing resolution of **approval** as amended for the above property was made by Mbr. Filauro, seconded by Mbr. Buie and unanimously agreed upon by all members present and eligible to vote.

**Roll Call:**       Ayes – Filauro, Buie, Nienstadt, Maffei, Schoner, Hussa, Kuntz

**PUBLIC HEARINGS**

**MPS 08-03:     Glenmont Commons Developers, LLC  
                      Block 10002, Lot 3  
                      Casterline Road**

Joseph A. O'Neill, Esq. of Garofalo & O'Neill, P.A. (60 Baldwin Road, Suite 202, Parsippany) represented the applicant. The applicant is requesting preliminary subdivision approval to create four new single family dwelling units.

Joseph F. Barbieri, Jr. Land Surveyor and Personal Planner of Joseph F. Barbieri & Associates, Inc. (11 Furler Street, Totowa). Mr. Barbieri was accepted as a professional expert witness. Mr. Barbieri provided an overview of the subdivision using the Tree Location Survey (Exhibit A-1) for 10002, dated February 1, 2009 without revision dates and the Preliminary Major Subdivision of Casterline Road Cover Sheet, Page 1 (Exhibit A-2) date September 23, 2009 of Lot 3. Southerly boundary line being the common municipal boundary line of Denville and Parsippany, Northerly JCP&L easement, Westerly is Casterline Road and Easterly is also JCP&L. The 450' wide easement runs through Casterline Road becoming 150' wide as it crosses Casterline Road. The easement does not affect the applicant's property.

The lot is extensively wooded, with approximately 255 trees of varying sizes proposed to be removed. The applicant intends to maintain as many of the trees as possible.

Patrick D. McClellan, P.E. of MCB Engineering Associates, LLC (11 Furler Street, Totowa) was present and sworn in. Mr. McClellan was accepted as a professional witness. Mr. McClellan provided an overview using a colorized sheet of the Site Grading and Utility Plan, page 4 of 11 (Exhibit A-3) dated September 23, 2009. The proposed design is for a 20' wide roadway through a cul-de-sac and bi-incepts the property. Off the roadway, four single family home lots of 1 acre minimum are proposed. No curbing or sidewalks as part of the Storm Water Management Plan to reduce disturbance and retrieve water runoff. The proposed property is zoned R-1B and the lots are fully conforming. Net soil cut of approximately 10,800 cubic feet. The excess cut will be exported, details of which to be determined. Lot 3.02 proposed 81,000 sq. ft. Corner Lot 3.01 proposed 107,000 sq. ft. End of Cul-de-sac Lot 3.03 proposed 158,289 sq. ft. Lot 3.04 proposed 188,979 sq. ft. Mr. McClellan testified that the proposed is in conformance with RSIS standards and that there are some wetlands areas along a 150' transitional. A Letter of Interpretation was received in 2006. Property serviced by municipal sewer and water. The property is relatively flat, without negative impact to the steep slopes ordinance and does not require any variances.

Mr. McClellan referenced and responded to the Engineer's report dated September 25, 2009. 20' wide travel way to be increased to 24' along with curbing on both sides and sidewalk on one side. Further discussion with their client was requested to address report items such as shade trees, curbing and road widening.

Must obtain approval from the NJDEP to ensure compliance with storm water management program. Applicant understands that the proposed will fall under NJDEP jurisdiction and agrees that a MCSCD application is also required. Net cut of approximately 11,000 cubic yards to be exported.

Chr. Kuntz opened the hearing to the professionals for comment.

Nick Rosania, Township Engineer provided some comments regarding the extension of some slopes. Applicant agreed that this would be acceptable provided that extending the slopes does not impact the steep slopes ordinance or require further tree removal. Will minimize the disturbance and tree removal. Inquired about the number of trees on the property for a point of reference on tree removal. Mr. Barbieri stated that he was not prepared to provide an exact number but that a guess would be thousands of trees on the property currently. Applicant responded to various points in the engineer's letter dated September 25, 2009 (actual date of September 18, 2009) and agreed to widening the road to 24' from the originally proposed 20'.

William Denzler, Township Planner reviewed his July 15, 2009 report and inquired about sight distance. Mr. McClellan used Exhibit A-4 (sheet 11) Sight Distance Profile to show a 250' sight line from the driveway and that trees and brush could be trimmed back to achieve better sight distance. Testified that site earth work will be required to achieve the ideal sight line of 390'. Cluster option was discussed. Mr. Denzler inquired about compliance of the affordable housing obligation. The applicant agreed to address, in order to comply with the ordinance.

Tiena Cofoni, Esq. inquired about the soil movement application. The Township Engineer indicated that soil movement will be part of the preliminary approval on the application and stated that council approval is required due to being in excess of 5,000 cubic yards. Mr. McClellan confirmed that details were included in the plans.

Chr. Kuntz opened the hearing to the public, seeing none, closed the public portion.

Chr. Kuntz opened the hearing to the board members.

Mbr. Schmitt commented positively on the plans and the effort that was made to avoid the steep slopes. Mbr. Schmitt inquired about the detention basin, it's access and maintenance. The Township Engineer indicated that operationally, the Township maintains the basin and would be discussed further as the project develops. Mbr. Schmitt inquired about access. Mr. McClellan responded that the hatched area is a compensation area and that a reconfiguration and graded access road would come from the driveway to avoid the transitional area. For the record, Mr. Rosania stated that the driveways should be paved. Mbr. Schmitt commented that he was in agreement with the engineer that the street lighting should be included.

Tiena Cofoni, Esq. sought clarification regarding maintaining the building envelope and setbacks. Nick Rosania confirmed that the building envelope would be maintained. The Board Attorney went on to inquire about the basins and their maintenance. Nick Rosania, commented that the township would only maintain the basins but the aesthetics would be the responsibility of the homeowner.

Mbr. Maffei had two concerns; retention basins and soil movement. Mbr. Maffei commented on the retention basins and the possibility of having the drainage underground and due to traffic concerns, recommended that the soil movement be coordinated with the town.

Mbr. Nienstadt inquired about the soil removal. Mr. McClellan responded about the number of truck loads was 15-20 cubic yards per truck load equating to approximately 10,000 truckloads. Adding that the truck loads would be spread out over the life of the construction project and some soil may be mitigated to stay on site. Mbr. Nienstadt stressed that the line of sight to the left would need to be improved for safety.

Mbr. Shaw inquired about sidewalks. McClellan responded that RSIS code does not require sidewalks, leaving less impervious coverage and less impact on the slopes. Mr. McClellan indicated that the applicant was considering the engineer's suggestion for a sidewalk on one side of the road. The applicant agreed to the need for some lighting on the street. Mbr. Shaw inquired about concrete monuments on the lot corners. The surveyor spoke to the subdivision map filing laws to concrete monuments being installed. Mbr. Shaw was satisfied. Mbr. Shaw referenced tree removal and inquired about the replacement plantings. The applicant responded that only shade trees along the roadway were being installed as the trees being removed are within the building envelope and driveway areas.

Mbr. Schoner inquired about the sidewalk and voiced concern for cutting the bank to eliminate blind corner. The applicant voiced contemplation of possible road widening and curb installation, as well as an increase in sight distance on the corner. Mbr. Schoner inquired about the wetlands area and was informed the transition area has specific restrictions for the purchaser and that they would be aware.

Mbr. Filauro requested clarification on the retention basins. A description of the bio-retention basins along with an explanation of how they would work along with the criteria to improve the quality of water. Mbr. Filauro inquired if the basin would be fenced. The response was a chain-link fence eventually but the water will not be deep. Tree protection fence and detail will be performed in the field.

Mbr. Buie stated he was in favor of sidewalks, curbing and improved sight distance. Mbr. Buie inquired about the retention basins being of minimal maintenance when grassed. The NJDEP has jurisdiction over the retention basin.

Mayor Hussa commented on the proposed being a good use of the property and sought clarification on the street name from the Engineer. The Mayor voiced strong concern for having sidewalks and curbs, as well as inquiring about the quantity of soil to be removed. Suggested use of soil removal to be used to widen the shoulder on one side where a drop-off exists.

Chr. Kuntz concurred with and thanked the board members for their comments. Chr. Kuntz inquired about, and the applicant agreed to, the engineer's suggestion to recharge connecting roof leaders to the dry wells. Chr. Kuntz obtained confirmation that the LOI for Lake Lenore Estates is valid.

Chr. Kuntz announced a short five minute break.

Mr. McClellan testified that the applicant agreed to provide road widening from 20' to 24', change road edge to include granite block curbing on both sides and around cul-de-sac, adding 4' wide concrete sidewalk adjacent to the curb on one side of the road either on the southerly side or along the frontage of the three properties. Casterline Road improvements would include widening of pavement to 30', granite block curbing along the frontage of the property with clearing for sight distance but not curbing.

Nick Rosania, P.E. indicated that the applicant had agreed to address all items in the engineering report and referenced that the actual report date was September 18, 2009.

Should the application be approved, Tiena Cofoni, Esq. indicated that conditions of approval would include but not be limited to; NJDEP approval, soil permit from council, driveways to be paved, operational maintenance of the detention basin would be responsibility of the town and aesthetics the responsibility of the homeowner, board urges the homeowner to ensure the detention basin requires as minimal maintenance as possible, shade trees, sight distance improvements as great as possible, street improvements of 24' widening, granite block curbing, sidewalk on southerly side, three street lights and on Casterline Road granite block curbing and pavement road widening to 30'.

The board attorney confirmed to Mbr. Buie that if there were substantial deviations requested by the NJDEP that the applicant would need to return before the Planning Board. As well as confirming to Mbr. Filauro that if necessary, fencing would be required around the detention basin.

A motion to **approve** this application with conditions was made by Mbr Shaw seconded by Mbr. Buie and approved by all voting members.

**ROLL CALL:** Ayes – Shaw, Buie, Filauro, Nienstadt, Maffei, Hussa, Kuntz

#### **OLD BUSINESS**

**NJSA 40:55D-13**

**Master Plan Amendment  
Land Use Plan Element  
Downtown Overlay Zone**

William Denzler, Township Planner indicated that the board is required to comment on the ordinance that was introduced on the September 15, 2009. This ordinance removes the downtown overlay zone and is consistent with the Master Plan amendment that was adopted by the Planning Board in August.

A motion was made by Mbr. Filauro, seconded by Mayor Husa and approved by the majority of members present and eligible to vote.

**ROLL CALL:** Ayes – Filauro, Husa, Shaw, Nienstadt, Maffei, Schoner, Kuntz  
Abstain – Buie

**NEW BUSINESS**

Mbr. Filauro inquired about dead trees on Zeek Road. Nick Rosania, Township Engineer indicated that he engineering department would investigate and determine whose responsibility it was under.

**ADJOURNMENT**

Motion to adjourn.

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Denean Probasco, Board Secretary

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Date adopted