

TOWNSHIP OF DENVILLE  
PLANNING BOARD  
MINUTES

**August 11, 2010**

The Planning Board of the Township of Denville held its regularly scheduled meeting on Wednesday, August 11, 2010. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:30 P.M. Chairperson Filauro presided.

**Secretary Probasco read Notice of Public Meeting.**

**Roll Call:**       **Present** – Mayor Husa, Chr. Filauro, Vice Chr. Lou Maffei, Glenn Buie, Marilyn Kuntz, Peter Nienstadt, Kurt Schmitt  
**Absent** – Don Kuser, Jim Schoner  
**Professionals present** –Tiena Cofoni, Esq., Nicholas Rosania, PE, William Denzler, PP

**MINUTES**

**June 23, 2010**

Motion to adopt the minutes as amended was made by Mbr. Kuntz, seconded by Mbr. Buie and unanimously approved by all Members present and able to vote.

**PURCHASING**

Motion to pay vouchers submitted by Denzler & Associates (dated July 19, 2010 and August 10, 2010) subject to the availability of funds, was made by Mbr. Buie, seconded by Mbr. Nienstadt and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by The Buzak Law Group (dated June 29, 2010 and July 23, 2010) subject to the availability of funds, was made by Mbr. Buie, seconded by Mbr. Nienstadt and unanimously approved by all Members present and able to vote.

**CORRESPONDENCE**

Chr. Filauro referenced all correspondence received:

- Memo from The Land Conservancy of New Jersey dated May 26, 2010 regarding the Land Conservancy of New Jersey Newsletter being available online.
- Email from The Buzak Law Group regarding May 25, 2010 Branchburg board denying developer chance to convert age-restricted housing.
- Memorandums from First Energy Corp. dated May 21, 2010 regarding notifying JCP&L utilities for variances, subdivisions, acquisitions and expansion or development of properties.
- Letter from James Rodimer, Chairman ZBOA dated July 30, 2010 to Town Council regarding ordinance and master plan reclassification for fast food definition.
- Memo from State Agriculture Development Committee dated July 23, 2010 regarding Review of Green Energy Projects on Non-Preserved Farms
- Memo to NJDOT from Mayor Husa dated August 1, 2010 regarding Road Preparation for Town-Wide 2010 Bike Initiative
- Memo from Mayor Husa dated August 3, 2010 - Sustainable Land Use Pledge Resolution; Complete Streets Resolution
- July-August Edition of The New Jersey Planner

**PROFESSIONAL COMMENTS**

Nicholas Rosania, Township Engineer stated only that the recent paving project of 25 streets (16,000 tons) was a successful project. A new experimental mix of "Super Pave" mix from the NJDOT was used. William Denzler, Township Planner mentioned nothing specific, only that under new business the bicycle element of the Master Plan could be discussed. Mayor Husa had no comments.

**RESOLUTIONS**

**PSP/FSPV/SM/TR 10-01:        Ciottariello Group Holdings  
Block 40102, Lots 5  
301 Palmer Road**

A motion to approve the above resolution was made by Mbr. Buie, seconded by Mbr. Kuntz and unanimously approved by all members present and able to vote.

**Roll Call:**       Ayes:   Buie, Kuntz, Nienstadt, Maffei, Schmitt, Husa, Filauro

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

A motion to approve the above resolution was made by Mbr. Nienstadt, seconded by Mbr. Maffei and unanimously approved by Chairperson Filauro.

**Roll Call:** Ayes: Nienstadt, Maffei, Filauro  
Recused: Buie

**PUBLIC HEARINGS**

**PSP/FSP/ 10-03: Ella-lan, LLC  
Block 50305, Lot 210  
53 Broadway**

Dennis J. Francis, Esq. (37 Liberty Street, Little Ferry) represented the applicant, Ella-lan, (53 Broadway). Applicant is requesting Preliminary and Final Site Plan approval to construct an addition on the former Fireside restaurant and bar. The managing partners, Brendan Madden (126 Fremont Avenue, Park Ridge) and Aidan Downey (289 Bogert Road, River Edge). The proposed restaurant and bar would be similar to the Thatcher McGhee's in Pompton Lakes. The applicant's attorney provided a brief overview of the application. Stating that at the time of the application submission the applicant was a contract purchaser and effective June 23, 2010 this is no longer the case. Indicating that the proposed site plan was variance free.

Brendan Madden (53 Broadway, Denville and 6 Wanaque Avenue, Pompton Lakes) was present and sworn in. Mr. Madden spoke to the proposed Thatcher McGhee's Irish Pub and Eatery. Small extension in the rear to enclose where the deck was, a small bump out in front and interior renovations to bring the building up to code. Demolition revealed that nothing could be kept. The establishment would operate seven days a week from 11 a.m. and 2 a.m. The Pompton Lakes location is open until 3 a.m. but in Denville a 2 a.m. closing is anticipated. The bar and restaurant will have similar hours but the bar will have a limited menu. Approximately 32 full-time employees.

Andrew Clarke, P.E. (37 Girard Avenue, Chatham) was present and sworn in. Mr. Clarke was accepted by the board as an expert witness. Mr. Clarke reviewed the Site Plan dated May 13, 2010 (**Exhibit A-1**). The rear deck will be enclosed and the rear entrance will remain but will be modified. Stating that the property falls outside of the storm water management guidelines and that the roof water will exit as it does currently. The current fence enclosure for the outdoor garbage will be enhanced with a refrigerated section to reduce odors and access from critters.

Referenced the August 11, 2010 Township Engineer's report regarding NJDEP stream encroachment permit. Approximate 250 sq. ft. increase to impervious coverage equating to an area slightly larger than a parking space. Referenced the July 12, 2010 Township Planner's report stating that it contained no engineering concerns.

Chr. Filauro requested clarification on the adjacent lots. Mr. Clarke clarified that due to a drafting error, Lot 208 should read Lot 209. Tiena Cofoni, Board Attorney received verification that the correct lot was used to serve legal notice.

Nancy Dougherty, AIA of Studio 1200, LLC (511 Millburn Avenue, Suite 1, Short Hills). Ms. Dougherty was accepted by the board as an expert witness and reviewed the Exhibits.

**Exhibit A-2 SP1** Existing Basement Floor Plan – Full basement with additional existing crawl space. Exterior stair on the Bloomfield Avenue side with an unenclosed stair on the Broadway side. The balance of the basement will be used for storage space and building mechanicals.

**Exhibit A-3 SP2** Existing First Floor Plan – Reflecting the existing conditions, prior to demolition.

**Exhibit A-4 SP3** Proposed First Floor Plan – There is a proposed addition of 24' that meets the 5' setback line of a triangular shape similar to the existing deck on the Bloomfield Avenue side of the building. The steps will become a bit wider but the enclosure will remain the same size. The enclosed trash storage will have a walk-in cooler. The biggest change will be the main bar area with an open floor plan without a wall barrier dividing the space. The bathrooms are stacked on the east side. The kitchen will be located on the east side with a stair to the upper office space. The entrance has been moved from the east side of the building to the west side with a lift for handicapped access.

**Exhibit A-5 SP4** Existing Exterior Elevations - The top elevation is from the north on Broadway and the bottom elevation is south with the outdoor deck. The building height is approximately 27' 3". Less than the maximum allowable in the zone.

**Exhibit A-6 SP5** Proposed Exterior Elevations – Stairs leading to entrance doors on the right side of the building. A smaller door to the left of the main entrance doors will provide access to the lift. Proposed materials of stucco, thatch and slate.

**Exhibit A-7 SP6** Photographs – Contains a total of six photographs. Two photographs of the existing Fireside exterior, one each of north and south façade. Four photographs of the existing Thatcher McGhee's in Pompton Lakes. Two photographs of the exterior and two of the interior.

Nancy Dougherty, AIA referenced the Township Planner's report dated July 12, 2010. Proposed exterior gooseneck lighting. Exterior signage (10% of signage of façade and maximum total of three signs). One sign on Bloomfield Avenue and one sign on Broadway. Proposed signage for Broadway would have

characters at a maximum of 5' tall and the sign would be 10' 2" in length, for an overall coverage of 7% and 50 sq. ft. Proposed signage for Bloomfield Avenue is 65 sq. ft. and 6.5% of surface area with the largest letter at 1' 6" in height. Nancy Dougherty stated that since the submission of the application, two changes have been made and the plans have been revised accordingly. The first change, is the addition of a sprinkler system. The second change is a prep kitchen in the basement.

Additional plans dated August 11, 2010 were entered as exhibits to reflect the additional changes.

**Exhibit A-8 SP-1R** – Revised Proposed Basement Floor - Includes an exit stair to the first floor and out to the outside (as a fully enclosed exit stair). A door has been added to the exterior on the Bloomfield side to serve as a service entrance for deliveries with a ramp for ease. The proposed prep kitchen will be accessed from the staircase. One set of stairs will be used for emergency use only. It is the intention of the applicant to dig out some of the existing crawl space, leaving ample distance from the property line and the foundation.

**Exhibit A-9 SP-3R** – Revised Proposed First Floor – The first floor is the same as original with the exception of an exterior door with a ramp to basement for deliveries with an added exit stair at the bottom to outside and to the second floor. No other changes.

**Exhibit A-10 SP-5R** – Revised Exterior Elevations – Top diagram of the north elevation and the bottom diagram of the south elevation both show the door on the left hand side to take the deliveries down to the basement. Everything else is the same.

**Exhibit A-11 SP-7** – Proposed Second Floor/Roof Plan & Section/Elevation Diagram. Diagram reflects the existing roof plan with the left side being Bloomfield Avenue façade with wedge shaped addition. Right side addition on Broadway side shown in black at bottom. The stairs are shown to the second floor. Nothing different on the second floor than what was originally proposed. The two rooms up there will be opened up for a real fire stair. The bottom diagram is shown for clarification of slicing through the building, to show the extent of the addition at roof level.

In conjunction with the food prep area in basement, the building will be fully sprinklered. The restaurant is classified as Use Group A2, the office is Use B and basement storage is Use S2 low hazard. With a prep kitchen the basement will become Use F1 Moderate Hazard. The second floor to be sprinklered only if required. The existing 500 sq. ft. office space will be increased to 650 sq. ft.

Chr. Filauro opened to the professionals for comments.

Nick Rosania, Township Engineer spoke to the positive aspects of the plans and a good plan overall. Stating that due to a flood zone, precaution should be used for the basement area with possibly flood proof doors for water run off down the stairs. Satisfied with the testimony.

Bill Denzler, Township Planner spoke to the operation of the refrigerated solid waste. Applicant stated that the doors would be modified on a 4 yard dumpster to hold the garbage. Garbage collection will be 4-5 times per week and cardboard twice a week. Cardboard and glass crushers will be used in the basement. No deliveries after 11:30 a.m. Self contained grease in tanks. Handicapped access will be in the front lower side. Ventilation from the prep kitchen will be interconnected with the same system from the restaurant. The prep kitchen will be used primarily for large items like deep kettles, not as a production kitchen with deep fryers. All new system with an 8' hood. No off-street parking issues.

Chr. Filauro opened to the public for questions or comments.

Lester Kelem stated he was in the adjacent building. Referenced the flooding can be serious. Spoke to the freezing water from the sump pump water exiting in the street and stated that the other owner said it would be taken care of. Spoke to the drain pipe and water disposal to the soil area. Roof was also referenced as an icing situation. The applicant stated that all these items would be addressed. Nick Rosania stated that the referenced items are workable. All to be approved by the town engineer. Nancy Dougherty responded that the intention is to direct all water away from Mr. Kelem's building. Stating that better draining is the goal and will be improved with parapet wall and flashing.

Susan Banks inquired about the garbage removal going through the prep kitchen. Dougherty indicated that one of the six coolers would be removed from the plan (leaving five) and that the garbage would not be removed through the prep kitchen. The prep kitchen would be bypassed and the rubbish would be removed down the stairs through the basement and out the ramp.

Chr. Filauro requested other members of the public, and seeing none, closed the public portion.

Chr. Filauro opened to the members of the board.

Mbr. Schmidt inquired about the existing exterior signage, roof top units and square footage. Nancy Dougherty stated that the signage would be removed. One unit would remain and the other will be replaced with screening that meets the requirement. Additional unit will be centered, not visible from street and less visible than now. Exhaust will be through the roof and out of view. 275 patrons anticipated daily. Mbr. Schmidt received confirmation that the proposed changes would be an increase of 1,008 sq. ft. from 4,183 existing to 5,191 proposed sq. ft. and unimpacted by the revised plans.

Mbr. Maffei indicated that his main concern regarding sprinklers had been addressed and inquired about parking. Mr. Denzler stated that parking is handled through downtown permits and municipal parking lots.

Mbr. Maffei suggested the electrical be placed as high off the floor as possible, had no further questions and commented that it was a nice plan.

Mbr. Nienstadt referenced garbage removal as it relates to the residential housing above some of the buildings and noise ordinance. Received confirmation that the benches are anchored to the ground and inquired about busy holidays. The applicant responded that the two busiest days are St. Patrick's Day and Thanksgiving and that flow is required for profitability and that it will always remain manageable.

Mbr. Buie asked the applicant to reconsider sprinklering the second floor, regardless of whether it is a building code requirement. Inquired about benches, smoking and multiple entrances. Mr. Madden responded that the landscaping will be similar to the original authentic Irish pubs with window boxes and benches. He further stated that both entrances would be viable. Mayor Husa confirmed that smoking is not prohibited on the sidewalks. The applicant indicated that they patrol the area for litter and cigarettes.

Mbr. Kuntz stated her main concern was patrons sitting on barrels and smoking. Referenced the ambiance and removal of the trees being replaced with a cold look. Nancy Dougherty spoke to the exhibit photographs being taken in the winter and that the window boxes and/or hanging plants aren't present. Mbr. Kuntz inquired about the sidewalk. Mayor Husa stated that there is an ordinance regarding sidewalk work and stone. Nancy Dougherty replied no.

Mayor Husa inquired if there would be a NJDEP stream encroachment permit and referenced Permit By Rule. Mr. Rosania responded that it is determined on a project by project basis but that if required the burden is the applicants. The applicant agreed that they would be seeking an exemption. Mayor Husa inquired about bands. The applicant stated small bands of approximately 4 members and Irish bands on Sundays. Mayor Husa mentioned that the economic committee would be reexamining the one hour parking in town and suggested that the applicant was welcome to provide input. Mayor Husa wished the applicant well.

Chr. Filauro applauded more toilets in the women's room than the men's and inquired about the façade on the rooftop exhaust. Brendan confirmed that the exhaust would be completely concealed. Chr. Filauro inquired about how the glass would be crushed and recycled. The applicant indicated that they a garbage can load of bottles can be reduced to a 5 gallon bucket and then the company comes to remove the crushed glass for a nominal fee. Mayor Husa stated that they would like to encourage all businesses to become more familiar with the mandatory recycling laws. Chr. Filauro added kudos for the ADA access and voiced excitement for the project.

Chr. Filauro asked for any other comments and seeing none, closed this portion of the hearing.

Tiena Cofoni, Esq. provided a review of the conditions of approval. Amendments to the plan as indicated in the Township Planner's report, drainage issues to be resolved satisfactorily as per Township Engineer's review, sprinkler system to be installed and NJDEP permit.

A motion to **approve** this application was made by Mbr. Buie, seconded by Mbr. Nienstadt and approved by the majority of voting members.

**ROLL CALL:** **Ayes** – Buie, Nienstadt, Kuntz, Maffei, Schmitt, Husa, Filauro

#### **NEW BUSINESS**

Tiena Cofoni, Esq. made the board members aware that a letter from attorney for Briar Rose Group, Inc. had been received indicating that the ZBOA remanded application had been approved and that a case management conference for the Planning Board application had been requested. The conference is scheduled for next week.

Mayor Husa referenced two things briefly. The first was the Bike Plan Hand Book for the inclusion of a Bike Plan Initiative in the Master Plan. Stating that a Bike Plan be included in the Master Plan in order to become eligible for the grant monies. This element will be ready for Planning Review at the next meeting. There was brief discussion of bike lanes among the board members. Mayor Husa referenced the complete streets memo references the bikeability, safety and compatibility with pedestrians. Signage would include share the road and bike route signs. The grant would be for \$83K.

#### **ADJOURNMENT**

Motion to adjourn.

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Denean Probasco, Board Secretary

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Date adopted