

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

October 13, 2010

The Planning Board of the Township of Denville held its regularly scheduled meeting on Wednesday, October 13, 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 Hussa, Chr. Susan Filauro, Glenn Buie, Marilyn Kuntz, Don Kuser, Peter Nienstadt, Kurt Schmitt
Absent – Peter Nienstadt, Lou Maffei, Jim Schoner
Professionals present – Tiena Cofoni, Esq., Nicholas Rosania, PE, William Denzler, PP

MINUTES

September 8, 2010

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

PURCHASING

Motion to pay vouchers submitted by Denzler & Associates (dated September 9, 2010) subject to the availability of funds, was made by Mbr. Buie, seconded by Mbr. Kuntz and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by The Buzak Law Group (dated September 8, 2010) subject to the availability of funds, was made by Mbr. Buie, seconded by Mbr. Kuntz and unanimously approved by all Members present and able to vote.

CORRESPONDENCE

Chr. Filauro referenced the correspondence received by the board, including an update to the Land Use Book, the edition of the NJ Planner and the NJ Municipalities Magazine. Noting that the center of the magazine has a schedule of events.

PROFESSIONAL COMMENTS

Chr. Filauro provided condolences for the passing of Mbr. Buie's father on behalf of the board. Nicholas Rosania, Township Engineer commented on the paths from the Tulip Lane Right of Way. Mayor Hussa stated he would answer any questions of the board. Mbr. Kuntz inquired why no board members were invited to the opening on September 24, 2010. Mayor Hussa explained this was primarily to get volunteers out to assist and that a more formal dedication would be scheduled. Mayor Hussa spoke to the discussions regarding the public right of way that had originally been an old hunter's road. The 18 acre park has three separate points of access. William Denzler, Township Planner commented on the third round COAH rules being overturned by the courts. The court allowed five months to come up with new rules and is anticipated after the State's S-1. Mayor Hussa inquired about the process for inclusion of the Bike Element of the Master Plan. Bill Denzler explained that drafts had been previously distributed for comment and that a public hearing would be required for adoption by the board. Mayor Hussa emphasized the need prior to year end due to grant request. Bill Denzler would coordinate the scheduling of a public hearing with Chr. Filauro and the Board Secretary.

RESOLUTIONS

PSP/FSP/ 10-03:	Ella-Ian, LLC Block 50305, Lot 210 53 Broadway
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A motion to adopt the memorializing resolution of **approval** as submitted for the above property was made by Mbr. Buie, seconded by Mbr. Schmitt and unanimously agreed upon by all members present and eligible to vote.

Roll Call: Ayes – Buie, Schmitt, Kuntz, Hussa, Filauro

EXTENSIONS**MSP/MFS 05-18:****Meola Builders
Block 20202, Lot 12
Mount Pleasant Turnpike**

Richard Luzzi, Esq. of Oller & Luzzi, LLC (35 Green Pond Road, Rockaway) represented the applicant. Mr. Luzzi explained that the subdivision has been delayed due to litigation with Woodmont Properties. Woodmont had filed a Prerogative Writ claim, Breach of Contract and Damage Claim. The judge split the claims and dismissed the Prerogative Writ Claim. A discovery and trial on the Contract and Damages was held in April 2010 with a decision not being rendered until September 23, 2010. Mr. Luzzi stated that Woodmont Properties intends to proceed with an appeal of the Prerogative writ. Applicant seeking the first of three one year extensions. Explaining that the development has been delayed to the pending litigation since the approvals were granted.

Tiena Cofoni, Esq. explained that this is an extension of the protection period to protect the subdivision approval from any ordinance changes for a period of one year from January 1, 2011 to January 1, 2012.

Bill Denzler, Township Planner and Nick Rosania, Township Engineer both commented that there are no concerns or law changes that would affect this request.

A motion to **approve** the one year extension of approval was made by Mbr. Hussa, seconded by Mbr. Kuntz and approved by the majority of voting members.

ROLL CALL: Ayes – Hussa, Kuntz, Buie, Schmitt, Filauro
Abstain - Kuser

OLD BUSINESS**Bike Element**

Chr. Filauro referenced the bike element of the master plan and stated that any comments should be provided to Bill Denzler. Mayor Hussa added that it is illegal to park in a designated bike lane and that this would be taken under advisement. The Mayor explained that grant money would be used to fund the proposed project, that only \$1,000.00 was spent on the purchase of bike racks and that the Council would need to approve any additional expenditures. Mbr. Buie thought that the money would have been better spent somewhere else. Chr. Filauro stated that the concern is for good planning and not how the money is spent.

NEW BUSINESS

Briar Rose - The Board Attorney advised that the schedule for the Briar Rose litigation would be forwarded.

Master Plan - Chr. Filauro mentioned scheduling time for the Planning Board to discuss revisions to the Master Plan. Last revised in June 2006 as a Pro Forma. Bill Denzler added that after the extensive review performed six years earlier, the board had found no substantial changes necessary at the time. Mbr. Kuser inquired how the Master Plan would be affected by the new COAH rules. Bill Denzler responded that the S-1 rules follow the local zoning and that we would have to generate the reasons why we would reduce density. Obligation may be reduced but will still exist.

Several elements to be addressed are Circulation, Open Space and Utilities. The Land Use element would be addressed last. Another aspect that could be incorporated is the Environmental Resource Inventory. This was last revised in 1977 with a partial for the highlands study. Items from the Environmental Commission could be added.

Mbr. Kuser inquired about the Highlands status and the new COAH regulations. Bill Denzler responded that the new regulations are still unknown at this time. Only Byram Township meets plan conformance. Chester Township will be the first for Morris County. The Highlands Council is addressing the towns in the preservation area before those in the Planning area.

Riparian buffer ordinance will need to be incorporated and follows NJDEP (Waste Management Plan) rules in buffering water bodies.

Mbr. Kuser inquired about Palmer Road and the recent planting of trees. Bill Denzler indicated that the NJDEP approval was just received and the screening of trees along Palmer Road is taking place.

Mbr. Buie inquired about the status of Casa Bella and only having proceeded with the deck construction. Mayor Hussa commented that the applicant may be reconsidering relocation of the banquet hall beneath the deck. Nick Rosania will investigate and report on the other improvements for the next meeting.

Mbr. Kuntz referenced the new sign ordinance and its enforcement. Inquiring about how the word gets out to the residents. Bill Denzler stated that the new ordinances are available online. Tiena Cofoni responded that the new ordinances become known by violations. Mbr. Kuser added that the information on political signage could be distributed by the Town Clerk. Stating phone calls notifying people to remove the signs should be sufficient in getting the word out.

Chr. Filauro inquired about the large home on Franklin Road with the equipment. Bill Denzler confirmed that they had been in court and will be returned. The site was being used as a construction dump site. They paid fines and lost their farm assessment. Mbr. Buie spoke to the extensive digging as it relates to Estling Lake and its recent dredging. Bill Denzler replied that the NJDEP is aware of the situation.

ADJOURNMENT

Motion to adjourn.

Denean Probasco, Board Secretary

Date adopted