

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

November 10, 2010

The Planning Board of the Township of Denville held its regularly scheduled meeting on Wednesday, November 10, 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, Vice Chr. Lou Maffei, Glenn Buie, Marilyn Kuntz, Don Kuser, Peter Nienstadt, Kurt Schmitt, James Schoner
Absent – None
Professionals present – Tiena Cofoni, Esq., William Denzler, PP

MINUTES

October 13, 2010

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

PURCHASING

Motion to pay vouchers submitted by Denzler & Associates (dated October 12, 2010) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Buie and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by The Buzak Law Group (dated October 13, 2010) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Buie and unanimously approved by all Members present and able to vote.

PROFESSIONAL COMMENTS

Mayor Hussa welcomed volunteers to work on a bike trail at the Muriel Hepner Park this coming Saturday, at 9:30 a.m.

RESOLUTIONS

MSP/MFS 05-18:

**Meola Builders
Block 20202, Lot 12
Mount Pleasant Turnpike**

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

Roll Call: Ayes – Buie, Kuntz, Schmitt, Hussa, Filauro
 Recused - Kuser

PUBLIC HEARINGS

BikeWay Plan Element Master Plan Amendment

Discussion of the 2010 BikeWay Plan Element to the Township of Denville's Master Plan.

Bill Denzler, Township Planner provided an overview of the plan. The first part of the plan is the various route classifications and design criteria. Several multi-use trails (off-road), shared roadways (existing streets shared with vehicles), bicycle lanes (sole bicycle travel use). Bike routes are done through directional and information signage. Bike lanes are done through signage and pavement markings and Bike paths are typically only done through signage where there is no vehicular traffic. The remaining portion of the plan is the local Denville cycling plan of bike lanes and bike routes and bicycle related improvements in the township to connect the downtown to the surrounding schools and parks. Four phases are proposed (1) identification of existing bike opportunities (2) initial plan (3) any additional planning to link any future bicycle improvements to surrounding communities and (4) any future bicycle related improvements throughout the township.

Mbr. Kuntz, commented on the Bike Lanes being exclusive to the bikes and no pedestrians would be permitted. Voicing concern that the bike lanes would be a hazard to pedestrians where there are no sidewalks. Chr. Filauro indicated that only Diamond Spring and Pocono roads had proposed Bike Lanes and would be striped only where there adequate space is provided. Mbr. Kuntz added that Chatham Twp.'s plan has lanes for walking and biking. Bill responded that having both lanes was the direction Chatham Twp. chose and that Denville does have a sidewalk plan as part of the Master Plan and can be addressed separately. Mr. Denzler pointed out that this is only a guide and wish list of the town and that the actual plan would need to meet the National Design Standards through the State. Confirmed that the board's approval tonight is only for the concept of adding a bike plan element to the Master Plan but not the particulars.

Mr. Denzler continued with his presentation. The Morris County Bikeway Element of the Morris County Master Plan's recommendations were incorporated into Denville's plan. These 1998 recommendations included 24 existing shared roadways, and 2 private separate bike lanes (Diamond Spring and Pocono Roads). Mr. Denzler stated that the township would be hard pressed to get funding without this element in the Master Plan.

Chr. Filauro opened the public hearing to the board members for comments and questions.

Mbr. Schmitt commented that the church on Diamond Spring Road needs street parking on Sundays.

Mbr. Maffei had none.

Mbr. Nienstadt inquired about liability and the maintenance of roadways for patches, pits and gravel considerations. The mayor agreed.

Mbr. Kuser inquired about the concept plan and who would be deciding on the final plan. The Council would be the final vote and the decision was not to be made by committee. Possible concept plan review at the planning board level. Commented on Mbr. Kuntz's observation regarding the pedestrians having the right of way over the cyclists. Stated that there should be no bike lanes without a sidewalk and contiguous paths are preferred. Mayor Hussa commented that each road has a separate approach to it. Pointed out that Savage Road can take everything, Bush Road can take a bike lane, River Road can accommodate bicyclists safely and has areas that can be widened. The Mayor voiced that sensitivity would be given to areas for parking such as Diamond Spring and Morris Avenue.

Tiena Cofoni, Esq. added that areas that pedestrian safety is a concern could be designated as bike routes instead of bike lanes to eliminate a shared use.

Mbr. Schoner commented that overall it's a good idea in an active community such as Denville. Stated that the safety of residents should be promoted versus negative consequences.

Mbr. Kuntz voiced concern regarding the exclusive use of Bike Lane designations. Only where sidewalks exist. Inquired of Mayor from who the grant was being requested. Mayor Hussa responded that the funds come from the State but is also from the county. Mbr. Kuntz voiced concern for icy road grates.

Mr. Denzler responded that the plans would address bike friendly inlet covers for storm drains.

Mbr. Buie stated that fellow members had articulated his own thoughts. Overall a good plan but requires more scrutiny for road care maintenance and liabilities. Assumptions will be made by cyclists in these designated areas. Mbr. Buie indicated that he was not opposed to the plan but his only concern was the money having better uses in this economy.

Mayor Hussa confirmed that only grant money would be used.

Mbr. Buie pointed out that the board would need to consider not narrowing the roadways when evaluating future development applications.

Mbr. Maffei suggested speaking with Mountain Lakes to include the Boulevard as a nice bike route. Mr. Denzler commented that future phases would include connections to the neighboring communities.

Chr. Filauro thanked the board members for their good comments and voiced comfort in approving bike lanes where there are sidewalks. Voiced the importance of education through signage. Denville still hasn't acted upon the county's plan of twelve years. Important step for the benefit of the community for recreation and health conscience alternatives.

The board attorney suggested alternate language to address overall board member concerns. Asterisk language on Page 5 will be amended to read *this will only occur where road widths allow for adequate on-street parking, where appropriate, and where sidewalks are present". Phase I map already completed and identified possibilities. Mayor Hussa indicated that the TowPath should be mentioned specifically. Language of building a trail in Muriel Hepner Park to change from bike trail to a multi-use trail.

A motion to **approve** the above concept plan with conditions, was made by Mayor Hussa, seconded by Chr. Filauro and agreed upon by all members present and eligible to vote.

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

OLD BUSINESS

Chr. Filauro inquired if any members attending the upcoming league of municipalities had questions. There were none.

Tiena Cofoni, Esq. indicated that there was nothing to report on the Briar Rose litigation at this point.

NEW BUSINESS

Bill Denzler, Township Planner referenced that the Council was seeking the Planning Board's input on a Hotel Overlay Zone of three lots at the intersection of Morris and Ford Roads. Hotel uses became a permitted use in the Industrial zone, by way of the 2000 Master Plan. The development standards of the

Industrial zones are contrary to modern hotel development. Proposal to change the bulk standards to allow modern hotel development to include an increase in FAR and (Hampton Inn and two additional vacant lots) and building height. The only specifics regarding the bulk standards; the height allows for two stories (30') and the recommendation would be five stories (55'), which is the same as the Hampton Inn. The current FAR of 25% would increase to 60%, which is consistent with the Hampton Inn site. The remaining standards would remain the same. Noted the positive of the proposed is that this location is near the border of Rockaway Twp. and the Hibernia exit. There has been interest by various hotel groups since the location is ideal for access directly from and to Route 80.

Chr. Filauro opened to the board members.

Mayor Husa commented on the ratio for waiver of Hampton to 42% - versus 60%. Using the lot as an example. Bill Denzler explained that the difference of the total floor area of a building and the lot size. Parking is based upon the square footage of the building. The proposed would be consistent in size with the Hampton Inn but on a 2 acre lot instead of a 3 acre lot. FAR of 60% equates to 87 rooms. Economic magic number of 86 for hotel operations overhead. Size of the hotel dictates the parking, i.e. variance on hotel size would require additional variances.

Mbr. Schoner inquired if anyone looked into the cost of the hotel to the township and the impact on the school budget. No. Assessment tax and hotel tax.

Chr. Filauro would be interested in looking into it.

Mbr. Kuntz referenced the master plan is for commercial, office and light industry uses and received clarification why an overlay zone is required from the township planner. Voiced a concern created by having the competition of two hotels and possible abandonment by one if it fails. Mr. Denzler confirmed that a marketable hotel cannot be built under the current requirements. Mbr. Kuntz is not for overlay zones and would prefer that applicant's appear before the zoning board for variances.

Mbr. Buie is in favor of the change, ratables and good planning, built to the proper specifications. Low impact, less traffic would be created by hotel than by offices. Would bring revenue to town. Largest concern would be life safety with the ability to have a fire truck protect the building height.

Mayor Husa spoke to establishing a new floor area and setting of new precedents. The board attorney responded that it may be more practical to address this way and would not set a precedent.

Mbr. Kuser inquired about the three lots and if the one "L" shaped lot is occupied by offices currently. Bill Denzler responded yes to the current offices. Mbr. Kuser inquired about wetlands. Bill Denzler responded that the area referred to is drainage. Bill Denzler indicated that the lot is sub dividable.

Mbr. Nienstadt inquired about the lot above the Hampton Inn. Concurred with Mbr. Buie. Stated that this location is ideal for an additional hotel as it is removed from center of town and is visible from Route 80.

Mbr. Maffei inquired about COAH. Bill Denzler responded that there are no residential components. Mbr. Maffei voiced similar concerns to Kuntz and suggested a traffic study.

Mbr. Schmitt inquired about the magic number, owner requesting something for suitable for not just one specific property. Voiced concern that it is 50% larger than the Hampton Inn. FAR more in line with the Hampton Inn and this specific property request a variance for specific need. Stated that the FAR should be requested by the applicant and not a FAR created to be suitable for the application.

Mbr. Buie inquired about land use motel versus hotel designations. Bill Denzler explained there is a difference and that definitions can be added as part of the ordinance.

Tiena Cofoni responded and inquired if motels were currently permitted. Bill Denzler responded that lodging is not defined from motel versus hotel currently.

Mayor Husa commented that the hotel would be a good thing but the FAR number would need to be decided.

Chr. Filauro voiced concern for the overlay zone, big concern for hotels in our county and that the county sometimes uses local hotels for welfare housing. Voiced an overall discomfort for the overlay zone.

Tiena Cofoni, Esq. clarified that the ZBOA's decision on a prior application was completely different than that of the Planning Board's. The Board of Adjustment was working with a deviation from an existing ordinance which is different than the creation of the overlay zone which is an unconstrained evaluation.

An informal poll of the board was taken and the majority of the board members were not in favor of the overlay zone as proposed.

Tiena Cofoni, Esq. announced notice of appeal for the Meola litigation. The portion of the case against the builder was recently dismissed and was appealed by the adjacent builder.

ADJOURNMENT

Motion to adjourn.

Denean Probasco, Board Secretary

Date adopted