

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

May 25, 2011

The Planning Board of the Township of Denville held its regular meeting on Wednesday, April 13, 2011. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:30 P.M. Vice Chairperson Maffei presided.

Secretary Probasco read Notice of Public Meeting.

Roll Call: **Present** – Vice Chr. Lou Maffei, Peter Nienstadt, Glenn Buie, Marilyn Kuntz, Gene Fitzpatrick, Mark London
 Absent – Sue Filauro, Kurt Schmitt, Mayor Hussa
 Professionals present – Tiena Cofoni, Esq., William Denzler, PP, John Ruschke, PP

MINUTES

April 13, 2011

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

PURCHASING

Motion to pay vouchers submitted by The Buzak Law Group (dated May 9, 2011) 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 William Denzler and Associates (dated May 4, 2011) 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

Acting Chr. Maffei referenced the memo from Steve Ward regarding the League of Municipalities Convention, the list of Master Plan Review Subcommittee and the May issue of the NJ Municipalities magazine.

PROFESSIONAL COMMENTS

Bill Denzler, Township Planner stated he had nothing to comment.

RESOLUTIONS

Appointment of John Ruschke of Hatch Mott MacDonald as Consulting Engineer

A motion to **approve** this application was made by Mbr. Kuntz, seconded by Mbr. Fitzpatrick and unanimously approved by all members eligible to vote.

Roll Call: Ayes – Kuntz, Fitzpatrick, Nienstadt, Buie, London, Maffei

Acknowledgement of Nicholas Rosania to the Township of Denville

A motion to **approve** this application was made by Mbr. Buie, seconded by Mbr. Nienstadt and unanimously approved by all members eligible to vote.

Roll Call: Ayes – Buie, Nienstadt, Kuntz, Fitzpatrick, London, Maffei

EXTENSIONS**MPSV/SS 06-14: Hertz Homes, Inc./George & Pat Valva
Block 10401, Lot 12 & 13
18 Echo Lane**

For the record, Marilyn Kuntz and Gene Fitzpatrick recused themselves from this portion of the public hearing.

Alan R. Adler, Esq. (10 Park Place, Morristown) represented the applicants George & Pat Valva (formerly Hertz Homes, Inc.). Applicant is requesting an extension of the May 14, 2008 preliminary major subdivision approval with variances that was adopted on June 18, 2008. Residential subdivision on Echo Lane and Michael Street involving steep slopes and surface water runoff issues. Requested a three year extension under N.J.S.A. 40:55D-49 through June 30, 2013.

Tiena Cofoni, Board Attorney stated that this is consistent with the permit extension act and that the applicant's appearance before the board is a formality as the planning board is statutorily obligated to grant the extension.

A motion to **approve** this resolution was made by Mbr. Buie, seconded by Mbr. Nienstadt and unanimously approved by all members eligible to vote.

Roll Call: Ayes – Buie, Nienstadt, London, Maffei
Recused – Kuntz, Fitzpatrick

**MPS/SM 07-12: Tri-M Enterprises
Block 20401, Lot 3 & 11
Smith Road**

Jason Rittie, Esq. (Einhorn, Harris, Ascher, Barbarito & Frost) represented the applicant, Tri-M Enterprises. Applicant is requesting an extension of the June 25, 2008 preliminary major subdivision approval that was adopted on August 13, 2008. Residential subdivision of five lots on Smith Road. Requested a two year extension under N.J.S.A. 40:55D-49C through June 25, 2013.

A motion to **approve** this resolution was made by Mbr. Buie, seconded by Mbr. Fitzpatrick and unanimously approved by all members eligible to vote.

Roll Call: Ayes – Buie, Fitzpatrick, Kuntz, Nienstadt, London, Maffei

PUBLIC HEARINGS**PSP/FSPV 11-01: Picatinny Federal Credit Union
Block 31401, Lot 1
340 Route 53**

Allen Hantman, Esq. of Morris & Hantman (168 East Main Street) represented Picatinny Federal Credit Union. Applicant is requesting preliminary and final site plan approval with "C" variance relief for the construction of a drive-through credit union facility. The proposed site is a triangular piece of property where a bar and restaurant used to be located.

Bill Darling, CEO of Picatinny Federal Credit Union (100 Mineral Springs Drive, Rockaway) was present and sworn under oath. The credit union was originally established in 1939 for employees of the department of defense. In 2005 the charter of the credit union was changed to allow non-military personnel. Community Charter allows open for members who live, work, worship or attends school in Morris County. Open Monday through Saturday with no evening hours. Hours of operation are Monday through Friday, lobby 8:00 am to 3:30 pm, drive-thru 8:00 am to 6:00. Saturdays 9 to 12 .

David S. Fuller, AIA and Principal of Studio 109 Designs, LLC (109 Zeta Drive, Pittsburgh, PA) Mr. Fuller provided a review of the plans. Using the Proposed Building Elevations (Exhibit A-1, EL1-B.1) dated April 8, 2011. Mr. Fuller reviewed the plan differences between what was submitted and distributed to the board and what was now being proposed. Some of which were available by Exhibit and some were not yet available. Removal of the sign that was up high that indicated Banking Loans, etc. Additionally a reduction of the car drive-through lanes for a total of 2 lanes. Three proposed signs, one on over the drive-through (Exhibit A-2, EL1-B.2), one on the building that continues over the entrance doors and one higher on the radius of the building (Exhibit A-3, FP1-D) dated May 10, 2011. One story-building with a proposed floor plan of 3,370 sq. ft. Seven employees proposed.

Mark Gimigliano, PE of Dykstra Walker (21 Bowling Green Parkway, Lake Hopatcong) was present and accepted as an expert witness. Mr. Gimigliano summary of the existing site conditions. No building exists. Pavement deteriorated. Alternate Site Plan (Exhibit A-4) dated May 25, 2011 shows elimination of one drive-through lane and a reduction of the pavement surrounding the drive-through area. Triangular shaped site with center being the largest area and loop around the building. Multiple areas of egress but only one ingress at the southerly entrance. Two exits; one southerly, one northerly. Layout review of the two exits as a better use for the drive through versus walk up customers for better circulation. Parking review, minimize the impervious coverage by 942 sq. ft. (60%), site layout to have the majority of parking on the one side. Proposed parking spaces of 26 where 23 are required. Twenty-two spaces in the front and four additional angled spaces on the other side of the drive through to be used primarily by employees. Building mounted lights, lights under the canopy and freestanding. Freestanding lights around the perimeter of the parking lot. Variance created from the 5' setback along the property of Manor Road where 10' is required in the B3 zone. Residential buffer of 20' setback from the residential property line. Property line on the ROW is technically a residential although closest residence is 55' away. Ordinance requires that lighting not exceed .3 foot candles at a residential property line. Stating that the fixtures have been fitted with shields so that the light candles does exceed past the property line but only into the Manor Road ROW and not to the residential properties. Light impact to Lot 3 is minimal and meets the ordinance requirements. Applicant is proposing 16' light poles mounted on 2' cement blocks to eliminate the need for a variance. This was reduced from 18" light poles to meet the ordinance requirements.

Mark Gimigliano addressed the fifteen comments and concerns from the engineers report dated May 19, 2011. Applicant will comply with the first three items. (4) Location to be verified and lateral to be added when located. (5) Confirmed that utilities to be coordinated with sewer line. (6) Light pole that was reflected on top of the storm drain will be moved. (8) Additional detention solution, infiltration ground water elevations, will work with engineer to address. (9) Will comply. (10) Will provide temporary protection for sediment and silt. (11) ingress and egress and Denville PD comments to be addressed by traffic engineer testimony. (12) Site triangle will meet NJDOT standards. Sight line adjustments can be made but are adequate. Spoke to the height of monument sign being 15' from the property line at the southern tip of the property. Lettering below the 10' line is proposed. (13, 14) Applicant agrees.

Gary Dean, Principal of Dolan and Dean Consulting Engineers (792 Chimney Rock Road, Martinsville NJ) civil engineering and traffic engineers. Accepted as an expert witness by the board. Testified to the NJDOT and State Highway Access codes, regulations and access codes for dimensional criteria of access widths, proximity, property lines, sight distance and general perimeters of ingress and egress. Southerly driveway proposed to remain almost where it currently exists. Northerly driveway proposed to be narrowed in width and to become one way. Testified to circulation for the design, will be subject to the NJDOT approval. Designed to allow egress for the customers who park, leaving the drive through unencumbered. Using the recommendation of the police department would force customers to go around the rear of the building, closer to the residents and use of the by-pass lane at the same time vehicles are exiting the drive through. Location is characterized as a low traffic generator, would have no evening hours and would close at noon on Saturdays. Banking activity estimated at half of what existed 10 years ago. Pass-by traffic use. Spoke to height of the signage keeping it in character with the neighborhood and visible to passing vehicles. Eleven vehicles can be stacked at the drive through. Three lanes, one for ATM/Night Deposit closest to the building and two outer lanes for drive-through. Typical maximum car stacking is three vehicles per lane. Fifteen vehicles would fit if the lobby is closed and is consistent with the industry. Applicant clarified that the original proposal was for four lanes, three drive-through and one ATM. The existing proposal is for three lanes, two drive-through and one ATM.

After the meeting resumed from a ten minute break, Vice Chr. Maffei opened the public hearing to the professionals for comments.

Bill Denzler, Township Planner inquired about the frequency of drive-through versus lobby use. Mr. Darling stated that online banking was the majority of transactions. Mr. Darling stated that credit union business is mostly home equity, auto and personal loans. Mr. Denzler inquired about drive thru percentage. Mr. Darling indicated that this information was not available and daily patrons were unknown. Using Mt. Olive as an example, the majority is drive-through at ATM. Bill Denzler, inquired of the architect to the appearance of the building, exterior and colors. Mr. Fuller used an Exterior Finish Board (Exhibit A-5) and Colorized Elevations (Exhibit A-6) to show the proposed appearance of the building. The Township Planner inquired about illumination of the signage. Mr. Fuller indicated that it was separate, the building has graphics. Bill Denzler inquired about additional landscaping towards the residents along Manor Road. Mr.

Gimigliano confirmed that the applicant would provide additional landscaping to enhance the buffering for lighting from the residents. Allen Hantman, Esq. provided a review of the requested variances, for freestanding sign, height of printing on freestanding sign and parking from setback line.

John Ruschke, Township Engineer commented on the deferred comments for the professionals to address. Stating that this is fine for utility conflicts and the like. However, drainage other than underground structures, such as small retention or something that impacts the appearance of the site, the applicant should return to the board. Allen Hantman, Esq. confirmed that the applicant would be returning with revised plans for the board. Mr. Ruschke stated that this would enable the professionals the opportunity to review the plans in more detail.

Acting Chr. Maffei opened the hearing to members of the public.

Daniel Ganella (36 Manor Road) was present and voiced concerns regarding drainage, snow/ice in winter, storm water capacity, grading, multiple exits, bus stop, visibility around monument. Suggested no left turn on Route 53 and a later than 8 a.m. start of business.

Lorriann Sanchez (27 Manor Road, Lot 3) provided thanks to the professionals and their reports that addressed some of her concerns. Inquired about cue time, emissions, traffic testimony, possibly one drive thru and one ATM. Suggested traffic signal. Appreciates reduction in lighting height .3 foot candle to midpoint of backyard and requested a commitment for shielding the light. Directed inquiry of building height with A/C unit on roof and noise generated in summer. Spoke to the drainage concerns being vague regarding elevation. Referenced drainage from TD Commerce development was not finalized as approved. Mature plantings. Applicant agreed landscape plan typo of 3" instead of 3' and would be a minimum of 5' height.

Mark Venis (29 Manor Road, Lot 2) was present and spoke to adding additional drainage on the rear of the lot to prevent the water from pooling as it does currently. Address additional drain or expanding the existing pipe in the road as current is insufficient. Questioned whether all the parking spaces were necessary and possible banking of parking. Suggested curb or smaller sidewalk for Manor Road. Emphasized the board looking at the two points of egress. Appreciates lighting height decrease of 18' and inquired harm if lower. The applicant's attorney stated the lower the light the higher the intensity and that the proposed lights would be shielded.

Susan Cattano (28 Manor Road) was present and inquired about the trees on Manor Road and existing sidewalk. No trees would be removed and no plans to continue the sidewalk. Spoke to the 2nd exit being problematic and voiced strong opposition for this exit and the anticipated difficulty. Referenced that Vo Tech has a key for the light to allow buses. Complexity in timing turning with lights and traffic. Stated opposition to the parking being less than 20', as well as, the freestanding sign.

Acting Chr. Maffei asked for members of the public and seeing none, closed the public portion.

Acting Chr. Maffei opened the hearing to the board members.

Mbr. Fitzpatrick thanked the applicant for their interest. Agreed that the traffic and drainage would need to be addressed. Stated the council has worked hard on the lighting and confirmed that there would be no variance for lighting.

Mbr. Buie commented the proposed was an excellent use for the site, less impact to the neighborhood than a bar/restaurant. Inquired about handicapped parking and Mark Gimigliano confirmed it is adjacent to the building. Mbr. Buie suggested a possible restriction on left turn to alleviate the difficulty during certain hours and landscaping should be full growth and evergreen for a buffer on the lights and sight activity. Commented signage monument would be more tasteful than a tall sign. Requested more testimony and site plan on the view. Tiena Cofoni confirmed that the approval stays with the use. Referenced that a sidewalk would be nice to have. Tiena Cofoni confirmed a sidewalk in the ROW would be subject to Township approval.

Mbr. London inquired about employees, members, average customers and appearance. Bill Darling, CEO responded that there would be seven employees, 16,000 members but not all located in New Jersey, possibly 100-150 on a Saturday. Gary Dean confirmed that the State would need to approve the driveway and any changes in drainage. Minor lighting for security purposes will be necessary.

Mbr. Kuntz inquired about traffic and suggested the traffic engineer try making the turn at rush hour. Gary Dean responded and spoke to NJDOT highway separation to a public street. Exceeding the standard by 70%. Provides a safe area to wait onsite and no inherently dangerous about making a left. Mbr. Kuntz suggested a visit to the area would be appreciated

by the public and members to the board. Agreed with the sidewalk in the ROW and suggested the elimination of one drive through lane.

Mbr. Nienstadt inquired about comparison from the prior building at this site for impervious coverage. Mark Dean responded yes on the drainage sheet. Mbr. Nienstadt stated that the prior business had one way in and one way out and suggested this would help the general flow. Agreed that Manor Road sidewalk would be a benefit and would be consistent with the Master Plan.

Vice Chr. Maffei inquired about the standing water on the peak in the rear and needs to be corrected. Proximity is a concern on a narrow street without a curb. Voiced concern for snow removal. Commented that light pollution is not just site lighting but also vehicular traffic. Stated dense and mature plantings and suggested timed lights in the rear. Double driveway (not necessarily the left turn) is a danger and interference on the second driveway and Manor Road.

Mbr. Kuntz inquired about fill. Mr. Dean stated it would be approximately 2' of fill around the area of the building but did not know the number of truck loads. Would include on the next plan.

Mbr. Fitzpatrick confirmed that necessary approvals for the sidewalk would be coordinated by the Township Planner.

It was announced to the members of the public that the public hearing for this application would be carried to June 22, 2011 without further notice.

NEW BUSINESS

Vice Chr. Maffei referenced there were new draft ordinances from the Environmental Commission are available on the website for building coverage, well head protection and protection of trees.

Vice Chr. Maffei also referenced the memo on league of municipalities. Mbr. Kuntz inquired about reimbursement not being covered for tolls, gratuities or parking. Secretary Probasco referenced the League of Municipalities magazine and inquired if any members would prefer not to receive the membership. Mbr. London referenced key articles are now available online.

Vice Chr. Maffei referenced the Master Plan Sub-committees. Bill Denzler confirmed that it would be discussed at the June meeting. Mbr. Buie referenced the new law being every ten years for updates. Any comments should be forwarded to Bill Denzler prior to the June 22nd meeting.

ADJOURNMENT

Motion to adjourn.

Denean Probasco, Board Secretary

Date adopted