

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

June 22, 2011

The Planning Board of the Township of Denville held its regular meeting on Wednesday, June 22, 2011. 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** – Chr. Sue Filauro, Vice Chr. Lou Maffei, Mayor Ted Hussa, Peter Nienstadt, Marilyn Kuntz, Gene Fitzpatrick, Kurt Schmitt, Mark London
 Absent – Glenn Buie
 Professionals present – Tiena Cofoni, Esq., William Denzler, PP, John Ruschke, PP

MINUTES

May 25, 2011

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

PURCHASING

Motion to pay vouchers submitted by The Buzak Law Group (dated June 3, 2011) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Fitzpatrick and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by William Denzler and Associates (dated June 6, 2011) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Fitzpatrick and unanimously approved by all Members present and able to vote.

CORRESPONDENCE

Chr. Filauro referenced there was no correspondence and mentioned that Board ID cards were on the dais.

PROFESSIONAL COMMENTS

Bill Denzler, Township Planner stated he had none.
John Ruschke, Township Engineer had no comments.

RESOLUTIONS

**MPSV/SS 06-14: George & Pat Valva (previously Hertz Homes)
 Block 10401, Lot 12 & 13
 18 Echo Lane**

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

Roll Call: Ayes – Maffei, London, Nienstadt

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

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

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

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. This is the second public hearing for this application. The first was held on May 25, 2011.

Mr. Hantman restated that the applicant was seeking three variances, (1) monument sign when building is less than 75' from roadway, (2) monument sign for lettering below 10' in height, and (3) parking along Manor Road 5' where 10' is required. The architect and engineer would provide testimony to these changes.

Mark Gimigliano, PE of Dykstra Walker (21 Bowling Green Parkway, Lake Hopatcong) was present and remained under oath. Beginning with Mark Gimigliano, a review of sheet one was reviewed to show updated changes. Impervious coverage of 58.4% reduced from 62.1%. Impervious coverage is less than the Second Half Restaurant to ensure that there would be no increase to storm water drainage. Light fixtures reduced to 18' to conform with ordinance. Two drainage dry wells have been added along driveway entrance to eliminate any runoff to Route 53. Sight line profiles have been added. Zoning, parking and sign tables have all been updated. Parking increased by one for a total of 27 parking spaces.

- Sheet One: Sign table removed variance for the number of signs. Three building mounted signs with sign area that conforms with the architectural plans.
- Sheet Two and Three remain unchanged.
- Sheet Nine (Exhibit A-7) is identical to the packets except that it is a colorized version.
- Sheet Four: modified the limit of disturbance along the adjoining properties.
- Sheet Five: modified grading, parking area reduced in size, reduced in size along driveway entrance. Site not a good candidate for groundwater recharge.
- Sheet Six: French Drains to collect any storm water runoff, coordination of proposed and existing utilities to address Ruschke's comments. Connection into the existing drainage system to be redesigned to a Type E and has been added to Sheet Eight.
- Sheet Seven: Lighting, shielding, no lumens over .3 foot candles, disappear before the residential property.
- Sheet Eight: Engineering detail sheet of French drain.
- Sheet Nine: Colorized rendering of the (Exhibit referenced above) to show driveway, additional space, crosswalks and concrete aprons at the driveway entrances. Moving the pavement away from the existing homes. Sight triangle of 624 sq. ft. has been added to the sheet.
- Sheet Ten: Crosswalk striping and stop sign details and time of submission for NJDOT permit.
- Sheet Eleven: Landscaping plan to include additional evergreens and a line of sight triangle as per Denville's ordinance. ASHTO, 40mph speed limit and a 45 mph design speed requiring a sight distance of 500'.
- Three cherry trees and eighteen burning bushes to provide further screening.
- Sheet Twelve: Drainage and storm water runoff to reflect pre and post impervious coverage onsite.

Chr. Filauro opened to the professionals for comments and questions.

Bill Denzler, Township Planner inquired about the .5 lighting and negative impact. Mark Gimigliano confirmed that it was .5 at property line but would be .3 by the roadway, resulting in no negative impact. Inquired about access from solid waste truck to the trash enclosure. Mark stated that the trash was on wheels but room existed for a truck to back up.

John Ruschke, Township Engineer commented that many of the comments in his May 19, 2011 letter had been addressed. John Ruschke referenced speaking with NJDOT and that the storm water system is in need of maintenance. Applicant is minimizing the amount of impervious coverage on the site from the prior use.

David S. Fuller, AIA and Principal of Studio 109 Designs, LLC (109 Zeta Drive, Pittsburgh, PA) was present and remained under oath. Reviewed the plan changes reflecting the proper number of drive through lanes, the signs are labeled A, B, and C and a small canopy has also

been added to the rear entrance. The corresponding plan (Exhibit A-8) in the packets is FP1E but the exhibit is a colorized version. Photograph of the existing Mt. Olive (Exhibit A-9) branch to show the elevations of the roof radius and such. Consistent with the submitted plans except for the elevations. Architectural elevations ELC.1 (Exhibit A-10) have been corrected, to show the signs. Building height drops from 21' at the front of the building near the road to 16' and down again to 12' at the drive through which is closest to the residential homes.

Chr. Filauro opened to the professionals.

Bill Denzler and John Ruschke had none.

Tiena Cofoni received confirmation from Mr. Fuller that there was no sign above the small employee entrance.

Gary Dean, Principal of Dolan and Dean Consulting Engineers (792 Chimney Rock Road, Martinsville NJ) civil engineering and traffic engineers. Was present and remained under oath. Spoke to the concerns from the board and citizens from the last meeting having been incorporated. NJDOT responded to June 15, 2011 submission within three days stating that there were no waivers required or other concerns regarding the site. One drive through lane removed and created one way circulation.

Chr. Filauro opened to the professionals.

Bill Denzler and John Ruschke had none.

Chr. Filauro opened the hearing to members of the public.

Mark Venis (29 Manor Road, Lot 2) was present and remained under oath. Mark spoke to the area of pooling, having asked someone to look at it and voiced desire to have it addressed. Mark Gimigliano spoke to the low area and the several causes for the pooling. The area is too low to reach the storm water system because the storm water system is so shallow. Broken curbing will be repaired and should help decrease runoff. The applicant entered a photograph (Exhibit A-11) of a neighbor's property showing a sump pump draining onto the property. Mr. Venis stated that the sump pump was draining on a different part of the property. Commented that the board reconsider the number of parking spaces required, pointing out that there is an additional parking space in the revised plan.

Susan Cattano (28 Manor Road) was present and remained under oath. Inquired about burning bush and the height, stating that evergreens were requested and that the bushes should be more than 2' high. Mark Gimigliano addressed Ms. Cattano's questions. Ms. Cattano inquired about number of customers, sidewalk and if the size of building was the same. Approximately 15 customers in the peak morning hour and 40 in the peak afternoon hour. Mr. Darling, CEO spoke to four Saturdays of transactions from Rockaway and Mt. Olive locations. Inquired about Saturday transactions and stacking during May 7th, 14th, 21st, and 28th. Mt. Olive:133 members with 27 using the ATM. May 14th:143 members with 34 using ATM. May 21st:198 members with 34 using the ATM and May 28th:165 members with 32 using ATM. All transactions were during the three hours of operation from 9 to 12. These numbers were total transactions including the drive through. Separate numbers for the drive through were not available as there is no way to calculate. Susan Cattano went on to comment on a requested change of start time. Mr. Darling stated that the intended start time is 8 a.m.

Daniel Ganella (36 Manor Road) was present and previously sworn and remained under oath. Mr. Ganella thanked the applicant for the changes they made and voiced his largest concern is the storm drain, it's capacity and future improvement. The Board Engineer referenced current standards may be different than what the requirements were at the time of installation. Mr. Ruschke referenced having spoken with NJDOT and confirmed that maintenance is required, sedimentation exists and the inlet pipe is currently half full. Mr. Ruschke confirmed that this will be addressed independently of this application. Mr. Ganella referenced the lights on timers. Mr. Gimigliano responded that any lights that were not required for ATM and security would be turned off, including the perimeter parking lot lights. Mr. Ganella went on to reference the sidewalk, change in the banks hours of operation, snow removal and visibility and noise from the roof top mechanicals. The mechanicals will be behind a parapet and will be closer to the road than the residents.

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

Chr. Filauro opened the hearing to the board members.

Mbr. Schmitt thanked the professionals, agreed that there should be dense year round evergreens and commented the sight triangle being positive.

Mbr. Fitzpatrick valued the public comments, spoke to being fair, responsibilities of the town not only the applicant. Voiced concern regarding the lighting and having been a great proponent of the lighting ordinance. Mark Gimigliano spoke to the lighting being less than the light from a street light.

Mbr. Maffei spoke to the plans being an improvement, circulation and in/egress. Only concern is the back corner of the property. Agreed less parking spaces would be better. Suggested beefing up the landscape for two lots and that will be most impacted by the entrance driveway and lighting from vehicles coming into the driveway.

Mayor Husa spoke to a manhole, possible trench and asked John Ruschke to comment. The Board Engineer spoke to a slight shift of the manhole and working with the applicant to install a small drain. Ted agreed with Mbr. Maffei on additional evergreen plantings, agreed on one less parking space being ideal.

Mbr. Nienstadt was pleased with the changes that had been made. Inquired of John Ruschke if catch basins exist on Manor Road. John Ruschke responded to the shallow slopes, minimum of pipes and that storm drains having been neglected, requiring more maintenance.

Mbr. Kuntz inquired about soil and recycling and commented on sidewalk, flag pole and hours of operation. Mr. Gimigliano responded that 120 cubic yards equating to approx. 8-10 dump trucks would be coming in and confirmed that the trash enclosure would be large enough to accommodate both the trash and recycling. Mbr. Kuntz commented that the sidewalk would be good for the health and welfare of the children regardless of the impervious coverage.

Mbr. London suggested a salt tolerant species of evergreen be planted, inquired about a guarantee on dead trees and certified fill. John Ruschke indicated dead trees would be a violation of the site plan approval and that certified clean fill would be used. NJDOT response is anticipated July 25th.

Chr. Filauro inquired about the additional parking spaces and seeing a reduction if only 23 are required. Mr. Dean deferred to the client and commented that the TD Bank has two exit driveways. Chr. Filauro inquired about pedestrian paths for entering the building. Mr. Dean indicated that striping the lane could be added if it pleased the board. Mark Gimigliano responded to removing parking space. Chr. Filauro's commented on the speed at which cars enter Manor Road off Route 53 as a concern and urged Mr. Hantman to consult with the applicant to ask if they would be willing to install sidewalks along Manor Road for the safety of pedestrians and children going to the bus stop on the corner. Mr. Dean stated that the governing body had not seen a compelling need to put a sidewalk on Manor Road. Adding a sidewalk that ends with people back in the street accomplishes nothing. Sidewalk will bring parked cars closer to the pedestrians. Allen indicated that the applicant would be willing to eliminate one parking space, agreed to change the landscaping, non-essential lighting to be on a timer at 10 p.m. Chr. Filauro added that a condition of approval be added that there be no trash pick-up prior to 6 a.m. Mr. Hantmann stated the applicant's agreement. Mbr. London added that construction and maintenance for the first ten years is \$3K per parking space. Chr. Filauro stated it sounded like the cost of the sidewalk. Chr. Filauro inquired if the applicant would be willing to reduce the number of parking spaces. Mr. Hantman suggested that the three parking spaces be land banked. The location to be determined by the engineer. Mr. Gimigliano indicated the two spaces facing Manor Road and one space opposite.

John Ruschke suggested a compromise of 70' of sidewalk to get pedestrians beyond the point of cuing instead of the original 100' proposed by Chr. Filauro.

Tiena Cofoni sought clarification from Bill Denzler regarding one of the two proposed variances for the setbacks. Mr. Denzler stated only the off-street parking setback is required. The variance for a special boundary line setback is not required since technically it's the ROW.

Allen Hantman, Esq. indicated that the applicant would agree to 70' of sidewalk, contingent to the township approval of the sidewalk being maintained by the township. Mayor Husa confirmed that it would be brought to the Business Administrator and Town Council if need be.

In response to Chr. Filauro's request, Allen Hantman, summarized the four variances requested by the applicant. The first is for a five foot setback from Manor Road, the second is for having less than 75' from the road for the freestanding sign, the third is for the lettering on the freestanding sign starts at 6' height and the fourth is for a technical variance for lights. The light variance is based upon interpretation of the ordinance, which allows for boundary lines between properties and not properties divided by a road. Further stating that the proposed application is a diminished use than the prior business. Requesting the board's approval.

Tiena Cofoni provided a review of the conditions, some of which were eliminated with the revisions. Driveways are subject to NJDOT approval. Most of the lighting will be turned off after business hours and except for lights required for ATM and security purposes, will be on timer for 10 p.m. The applicant will work with the Township Engineer to install a yard drain in the northeast corner of the property. Mark Gimigliano spoke to the existing inlets, stating that occasions may exist where future flooding is worsened if the NJDOT drainage system improvement does not take place. Mr. Ruschke disagreed based upon the elevations that this would not be an issue. Tiena Cofoni continued. The shrubbery along Manor Road will be evergreens and salt tolerant. Striping in between the handicapped spaces will be extended to guide pedestrian traffic. No dumpster pick-up prior to 6 a.m. Four parking spaces will be land banked for future construction if required. Applicant will extend the sidewalk 70' along Manor Road. Ownership and maintenance of the sidewalk will be the responsibility of the town.

Mayor Husa referenced the flag pole on the site. Mr. Darling spoke to the flag pole and the reason for not having one at their facilities. Explaining that they have opted not to have flag poles to avoid being subject to maintaining it to military standards.

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

Roll Call: Ayes – Husa, Fitzpatrick, Kuntz, Nienstadt, Maffei, Schmitt, Filauro

NEW BUSINESS

Chr. Filauro announced that draft ordinances would be discussed next and requested the Township Planner to provide an overview. Explaining that the sequence is normally that the ordinances have already been reviewed by Town Council before coming to the Planning Board.

Bill Denzler stated that the three draft ordinances being reviewed as a part of the 2011 ANJEC Grant Program, Well Head Protection Ordinance, A Tree Protection & Replacement Ordinance and Standards for Maximum Building and Impervious Lot Coverage.

Well Head Protection

This is a detailed ordinance that looks at various uses located throughout the town, public wells broken down into two Tiers based upon water circulation. These tiers limit the types of hazardous uses and toxic substances over tiered areas to prevent aquifer and filtration. Detailing primary and minor pollution sources and regulations for mitigation. Used from other towns and tailored to our needs.

Chr. Filauro opened to the board for comments.

Mbr. London inquired about definitions, glossary and consistency. Bill Denzler responded that this is a project by project basis and that they would all fall under the zoning ordinances for which there are definitions.

Mbrs. Kuntz, Nienstadt and Mayor Husa had none.

Chr. Filauro inquired about road salt to include brine. Mr. Denzler agreed brine could be added.

Mbr. Maffei inquired about pollutant sources and underground oil tanks. Bill Denzler responded that such facilities could exist for commercial areas.

Mbr. Fitzpatrick and Schmitt had none.

Al Atkinson was present and stated that this has been an ongoing project. Part of ANJEC grant that these ordinances come through to the Council after consultation and support of other boards.

Protection of Trees

Details tree removal and tree replacement requirements. To support tree preservation and currently only addresses properties of one acre or more and not the typical homeowner. This ordinance would address trees of 12" or larger, details what should be used for replacements and what can be taken down. Used ordinances from other towns and modified to Denville's use. Tree removal permits currently exists. Provides for remediation of native species replacement instead of external species.

Chr. Filauro opened to the board for comments.

Mbr. Schmitt had comments regarding undergrowth removal. Bill Denzler stated that anything four inches or greater is already covered under our steep slopes ordinance and site disturbance. Mbrs. Fitzpatrick and Maffei had none.

Mbr. Kuntz commented on having a special interest and commented on the special importance of heritage trees being removed and not replaced. Stated it's a good start but a lot more needs

to be done. Some of the tree benefits are storm water runoff, removal of carbon dioxide, provide humidity and shade.

Mayor Husa agreed long overdue and absolutely necessary. Stating that when we had a forester they weren't certified. Parsippany's forester would be used in a pinch. Mayor Husa inquired if this had to be finalized today and when additional information was required. Mr. Denzler stated the information was required in the next week or so. Mayor Husa stated he would send it to the Township Planner immediately.

Mbr. London voiced concerns with the power and cable companies decimating trees and inquired if a plan is provided beforehand. Sue Filauro added that the ANSI standards should be followed. Mayor Husa referenced having asked the Township Attorney and that the law is on the side of the power company. Tiena Cofoni stated that if a plan is provided it allows the town to have more input than previously.

Building Coverage

Building and impervious lot coverage is necessary due to an increase in site disturbances with an increase of homes on a decrease of property. Similar to other towns in Morris County. Maximum building and lot coverage is defined. This will affect storm water control of individual properties as well as overall site disturbance. Building envelope areas are exceeding what typically exists and taking existing non-conformities into consideration.

Chr. Filauro asked the board members for comments.

Mbr. London spoke to the formula such as FAR and inquired about driveways. Bill Denzler explained that using FAR would not take a two-story home into account and confirmed that it addresses all impervious coverage.

Mbr. Schmitt inquired why swimming pools were excluded. Bill Denzler explained that swimming pools act as a buffer and retention area.

Mayor Husa commented on the purpose. Bill Denzler confirmed this would limit the over development of lots.

Chr. Filauro stated that a lot of publicity should occur if approved. Bill Denzler explained the process and planning workshops would occur.

Chr. Filauro referenced the Master Plan and the extension of time provided for updates. Asking the board to give consideration to the Land Use Element. Stated that the second meeting of the month could be used for sub-committee meetings on the Master Plan.

ADJOURNMENT

Motion to adjourn.

Denean Probasco, Board Secretary

Date adopted: June 22, 2011