

TOWNSHIP OF DENVILLE  
PLANNING BOARD  
MINUTES

**March 14, 2012**

The Planning Board of the Township of Denville held its regular meeting on Wednesday, March 14, 2012. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:30 P.M. Chairperson Maffei presided.

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

**Roll Call:**     **Present** – Chr. Louis Maffei, Vice Chr. Glenn Buie, Mayor Thomas Andes, Peter Nienstadt, Gene Fitzpatrick, Sue Filauro, Mark London, Kurt Schmitt  
                  **Absent** – Marilyn Kuntz  
                  **Professionals present** – Edward Buzak, Esq., William Denzler, PP, John Ruschke, PP

**MINUTES**

**January 11, 2012**

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

**PURCHASING**

Motion to pay vouchers submitted by The Buzak Law Group (dated January 5<sup>th</sup>, February 2<sup>nd</sup> and March 1<sup>st</sup> 2012) subject to the availability of funds, was made by Mbr. Buie, seconded by Mbr. Filauro and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by William Denzler and Associates (dated January 5<sup>th</sup>, January 31<sup>st</sup> and March 6<sup>th</sup> 2012) subject to the availability of funds, was made by Mbr. Buie, seconded by Mbr. Fitzpatrick and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by Hatch Mott MacDonald (dated January 9<sup>th</sup>, January 27<sup>th</sup> and March 2<sup>nd</sup> 2012) subject to the availability of funds, was made by Mbr. Filauro, seconded by Mbr. Fitzpatrick and unanimously approved by all Members present and able to vote.

**CORRESPONDENCE**

Chr. Maffei referenced three pieces of correspondence; the Zoning Board of Adjustment 2011 annual report, the 2011 membership listing and the NJ Planner magazine.

**ACKNOWLEDGEMENTS**

Chr. Maffei acknowledged Ted Husa. On behalf of the board members awarded Ted Husa with a plaque thanking him for his years of service to the planning board. Ted Husa acknowledged same and voiced it was a pleasure and honor serving with everyone.

**PUBLIC HEARINGS**

**APSP/FSPV 12-01: Bank of America  
Block 40818, Lot 1  
11 Greens Lane**

Diane Hickey, Riker, Danzig, Scherer, Hyland and Perretti, LLP (Headquarters Plaza, One Speedwell Avenue, Morristown) was present and represented the applicant, Bank of America.

Charles D. Olivo, PE, Owner of Stonefield Engineering & Design, LLC (36 Ames Avenue, Suite 2B, Rutherford) was present and accepted as a professional witness. Mr. Olivo provided an overview of the application. Exhibits were entered. Aerial C-1 of the site, dated March 13, 2012 entered as **Exhibit A-1**, March 14, 2012. The lighting requirements related to safety and security are triggering the variance requirements. **Exhibit A-2** is identical to the Sheet C-4/Site Plan from the packets previously distributed to the board members. Reduction of the lanes with improvements to include full mill and resurface, striped area and bypass lane. The remainder of the parking lot to remain the same. Survey document, not to change the three arrows regarding the direction of the traffic lanes. Four new light poles around the ATM and flush mounted lighting beneath the canopy. All are required to meet 10 foot candles within a 5' radius of the ATM and 2 foot candles within 60' radius. **Exhibit A-3** was entered to reflect the front, rear and side elevations of the ATM Kiosk. Proposed kiosk is smaller than the existing building that is being demolished with a reduction of impervious coverage. No personnel to occupy. Sign variances to include 3.7 sq. ft. size and 10 sq. ft. Bank of America logo. Equating to the total signage and stated signage being consistent with their architectural features and the branding of the bank. State lighting NJSA 17:16K-10. Ten foot candles in a 5' radius from the ATM and Two foot candles within a 60' radius from the ATM. Light pole heights meet the code requirements. To the western extent of the drive through exit there will be no impact to the residents. Stated no detriment to the surrounding area. Sheet C-6/Lighting Plan, Exhibit A-4 of the board members packets. Reflecting the lighting at ground level and 36" above grade. Spoke to site circulation being the same as it was previously. One way within the ATM area, new pavement markings, stop bar and sufficient stacking.

Chr. Maffei opened to the professionals.

John Rushcke, PE referenced storm water impacts and inquired about the reduction of impervious coverage, ADA requirements, sidewalks and landscaping and referenced a letter sent to The Buzak Law Group dated March 13, 2012 which had not been forwarded to the board office. Letter was entered as **Exhibit A-5**. Ms. Hickey spoke to the de-intensification of use being the banks position. Mr. Olivo spoke to existing landscaping to remain. Sidewalk would increase the impervious coverage. John Ruschke appreciated the testimony regarding the sidewalk but questioned landscaping. Bill Denzler to address.

Bill Denzler, PP commented on 7.4 foot candles, referenced signage, questioned need for the rear. Applicant agreed to remove. Referenced the incorrectly marked arrows on the plan. Applicant agreed to correct the circulation arrows. Side area 12.8 – 3.7 sq. ft. and 10 sq. ft. making up such a small portion of the kiosk. Positive impact of the requirement. Sign width agreed with the testimony and that the sign would appear awkward if it did not go the entire width. The Township Planner referenced landscaping and improved aesthetics to offset the asphalt intensive application by adding green elements. Charles Olivo voiced the intention was for lower lying vegetation but applicant would be agreeable to taller trees in the landscaped islands east of that area. Clarified the location would be south to the general parking area and agreed to field survey during the construction.

Chr. Maffei opened to the members of the public.

Roslyn Debois was present and stated her address. Spoke to the existing structure, being a resident since 1993 and in this home since 2003. Voiced concern for activities in the parking lot, lighting in the bedroom, stockade fence, currently not in use and questioned the need for the proposed kiosk. Charles Olivo responded to the banks interest in better utilization of the existing approval and improved circulation for existing customer ATM traffic.

Chr. Maffei asked for other members from the public, seeing none, closed the public portion of the hearing.

Diane Hickey, Esq. spoke to meeting the lighting ordinance standard at the rear property line

Mbr. London inquired about the fence, bathroom and capping of utilities in the demolished building, signage from the main building to the ATM building. Mr. Olivo responded to directional ATM signage but that signage for the existing building are not proposed at this time. **Exhibit A-6** Sheet C-3 from the packets. Mbr. London referenced trip generation. Mr. Olivo responded that it would be more of a distribution of existing customer trips than an increase in trips. Peak hours are during rush hours and mid-day weekdays and mid-day on Saturdays. Anticipate 30-35% of the ATM traffic would shift. Mbr. London also inquired about security.

Mbr. Filauo referenced the fence type. Wooden. Sedona C-4. Inquired about litter and deterring walk-up traffic. Mr. Olivo stated the client would improve anything on their side when the fence is installed. Mr. Denzler was satisfied. Ed Buzak, Esq. referenced the March 13,

2012 letter (Exhibit A-5) and inquired about ADA compliance. Diane Hickey, Esq. responded that the kiosk does meet ADA requirements for the visually and hearing impaired but not for accessibility. Stating that a drive-through ATM is not applicable to a walk-up ADA requirement. Mayor Andes referenced the direction of the driveway, having an ATM located closer to the bank and having transaction information. Mr. Olivo replied that there was an error on the plan with the arrows. Stating the kiosk is not linked to the bank teller activity. Further testifying that the intention is to keep the driveway as far from Rt. 53 and Greens Lane as possible. Transaction history could be provided but not at the time of the public hearing. Kiosk signage will be illuminated from lighting underneath the canopy. There was some discussion among the professionals regarding the location of the kiosk as it relates to lighting on the residents.

Mbr. Schmitt referenced the fence location and its impact to the garbage accumulation. Suggested it be located closer to the property line. Mr. Olivo agreed. Mbr. Schmitt inquired about the shoebox fixtures, light poles and the utility pole. Mr. Olivo referenced the code requirement and the need for the dual light pole.

Mbr. Fitzpatrick stated his questions had been answered and concurred with Mbr. Schmitt's suggestion on the fence location.

Mbr. Nienstadt referenced the lighting, loitering and ATM stocking. Mr. Olivo responded to the hours of operation and a positive lighting design for the de minimus amount of traffic. Ms. Hickey responded that the requirement is for 2 foot candles is for during 'hours of darkness' and not 'hours of operation'. The ATM would be stocked by a bank vendor.

Mbr. Buie commented on the proposed ATM being an improvement and suggested offsetting the fence for snow removal and to avoid damage. Mr. Olivo replied that there will be adequate spacing between the Belgium block curb and the traveled way. Mbr. Buie referenced adequate parking signing will be required to ensure safe access to the ATM. Mbr. Buie referenced the impervious coverage and suggested a low lying vegetation in the island area to beautify the area. Mbr. Buie referenced the shoe-box lighting, some unshielded lights and commented that all lighting should be consistently converted to shoe-box lighting. Mr. Olivo stated that the bank is interested in maintaining the existing lighting proposal.

Chr. Maffei referenced the need for sensitivity to the residents in the area and voiced concern. Commenting on the mess in the area behind the kiosk area, having a fence being a good idea. Mr. Olivo responded that the improvements will improve the area. Mbr. Buie referenced some zoning issues and Bill Denzler confirmed that zoning would investigate.

Mayor Andes commented on understanding the flow of traffic and the need to have all the lighting be the shielded shoe-box. Agreed with the planner, signs on three sides of the kiosk, the fence, the landscaping island and no left-turn. Mr. Olivo consulted the applicant after clarifying that the existing lights would need to be modified to shoe-box lighting and that the striped zone island would need to become a planted area. Mr. Olivo confirmed for the three area lights that would be converted shoe-box fixtures and that the island would be a curbed grass area without additional vegetation for security. Mr. Andes referenced removal of a light pole. Mr. Olivo stated that the question could be asked of the utility company but cannot be guaranteed.

Chr. Maffei asked if there were other questions from the board and saw none.

Mr. Olivo added that the signs on the side of the kiosk were internally illuminated. Mayor Andes inquired if about the height. The height of the kiosk is 11' 1 3/4" to the top of the canopy and to the bottom of the sign is 8' 5". There is no sign on the back of the kiosk.

Ed Buzak, Esq. provided a summary of the conditions of approval to include but not limited to; the existing fence to be replaced with a solid fence on the property line, landscaping as per the township planner, no stopping or standing signs in ATM lane, conversion of three existing lights to shoe-box lighting, a curbed grassed area to be installed with exterior striping between the ATM lanes, no left-turn for ATM egress towards Greens Lane, approvals including MCSCD, landscaping by the fence behind the ATM. The Township Engineer confirmed to the board attorney that there was no issue regarding storm water management and that the applicant's plans for milling, repaving, lighting, landscaping, etc. would be amended and resubmitted. Resolution will also include the repaving of the hatched areas in gray, and the arrows will be repainted.

Mbr. Fitzpatrick referenced the property having been unused and unmaintained and asked that the applicant keep the township informed of its maintenance.

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

Roll Call: Ayes – Buie, Fitzpatrick, Nienstadt, Filauro, London, Andes, Maffei

**OLD BUSINESS**

Mbr. Schmitt referenced medical marijuana and suggested ordinance be written to address it. Mr. Denzler stated it would need to be discussed with the Council as nothing currently exists. As of today, it would take place in a retail sales area such as downtown or highway.

Mbr. Buie asked the board attorney to provide an update on COAH. Ed Buzak's brief response was inaudible due to the microphone being off.

**NEW BUSINESS**

Mbr. Filauro referenced the recommendations in the ZBOA's Annual Report as it relates to inconsistencies with the Master Plan such as fast food restaurants and car dealerships. Voicing concern for revisiting the Land Use Element. Chr. Maffei agreed.

Mbr. London referenced a general location for documents to be used by the township for sharing documents such as the Master Plan.

Chr. Maffei referenced that invoices would be sent electronically if the board members agree. The board members were in agreement with Chr. Maffei's suggestion.

**ADJOURNMENT**

Motion to adjourn.

Denean Probasco, Board Secretary

Date Approved: April 11, 2012