

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

April 11, 2012

The Planning Board of the Township of Denville held its regular meeting on Wednesday, April 11, 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, Marilyn Kuntz, Gene Fitzpatrick, Sue Filauro, Mark London, Kurt Schmitt
 Absent – None
 Professionals present – Tiena Cofoni, Esq., William Denzler, PP,

MINUTES

March 14, 2012

Motion to adopt the minutes as submitted was made by Mbr. Filauro, 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 March 29, 2012) 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 April 5, 2012) 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 Hatch Mott MacDonald (dated March 2, 2012) 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. Maffei referenced April 2012 edition of the League of Municipalities Magazine, the Financial Disclosure Statement, and a summons that would be addressed under new business.

Mayor Andes referenced a fundraising dinner for Sgt. Donnelly's daughter who is sick.

RESOLUTIONS

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

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

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

EXTENSIONS

**SP/FSPV 08-04: Orchard Street, LLC
Block 50410, Lots 11 & 23
Orchard & Clark Streets**

Mbr. Buie recused himself for the record.

Richard A. Clemack, Esq. (124 Main Street, Bloomingdale) represented the applicant. Applicant is seeking a one year extension of the August 11, 2010 Preliminary/Final Site Plan approval to build a total of 5 residential housing units (four market, one affordable) including soil movement and tree removal under NJSA 40:55D-52A. The applicant is requesting the extension due to economic conditions and the inability to obtain financing. 19 Elcock Avenue, Inc. purchase Orchard Street, LLC on February 2, 2012.

Tiena Cofoni, Board Attorney referenced the resolution and inquired about some conditions of approval including funding of engineering escrow and approvals from NJDEP for Stream Encroachment, parking in a flood zone and MCSCD. The applicant stated that these items and approvals would be obtained in accordance with building plans being prepared and finalized. Tiena Cofoni, Esq. read the statute which referenced that the protections granted cannot exceed three, one year extensions.

Mbr. Filauro inquired how the zone change impacts the decision of the board in granting the applicant's request. The board attorney indicated that the zone change prohibits the approved use of this application. Making the applicant subject to the zone change if the extension was not granted.

Mbr. Kuntz commented on not being in favor of granting the extension.

A motion to **approve** this application was made by Mbr. Fitzpatrick, seconded by Mayor Andes and approved by the majority of voting members.

ROLL CALL: Ayes – Fitzpatrick, Andes, Nienstadt, Maffei, London
Nays – Kuntz, Filauro
Recused - Buie

PUBLIC HEARINGS

**MS 12-02: Linda & Walter Dlugolecki
Block 30501, Lot 44
28 Freeman Avenue**

Michael Stieber, Esq. of Stieber & Veloric, LLC (160 South Livingston Avenue, Suite 208, Livingston) represented the applicant. Walter Dlugolecki was present and sworn under oath (28 Freeman Avenue). Applicant is requesting minor subdivision approval for a proposed lot line adjustment for an existing rock retaining wall. The dwelling was constructed thirty years ago and the Dlugolecki's are the third owner. The applicant became aware that the existing rock retaining wall has a minor encroachment on the adjacent Lot 17 when they went to sell their home. Lot 44 is almost three acres in size and the neighbor has agreed to convey a small portion of their property so that the entire rock retaining wall becomes part of the Lot 44.

Chr. Maffei opened to the professionals for comment.

Bill Denzler, PP commented that the proposed area is 1,800 sq. ft. and inquired about having a letter of agreement from the property owner of Lot 17. For the record, Michael Stieber, Esq. stated that the neighbor has agreed and will be signing the deed.

Chr. Maffei opened to the public and seeing none, closed the public portion.

Chr. Maffei opened to the board members.

Mayor Andes inquired about changes in the future development of the lots. The Township Planner confirmed that nothing in the zoning would change by the proposed lot line adjustment.

Mbr. Schmitt inquired about the 40' wall and its natural state. The applicant agreed that there would be no changes in the natural state of the lot and that it was strictly a lot line adjustment. Mbr. Schmitt commented that he had no problems with the application.

Mbrs. Fitzpatrick, Nienstadt, Buie had no comments or questions.

Mbr. London inquired about the construction of the wall and the permit. The applicant confirmed that the wall was constructed thirty years ago with the home, that a permit had been obtained but that the records were destroyed.

Mbr. Kuntz commented on not having something in writing from the neighbor regarding the property line. The applicant stated that they would. Mbr. Kuntz had no further questions.

Mbr. Filauro commented on the property being beautiful and the elevation. Had no problem with the proposed application.

Mayor Andes requested that should the application be approved, the applicant provide a letter from the adjoining property owner for the record.

Chr. Maffei inquired about the property owner of Lot 17. The applicant responded Mr. Johnson. Chr. Maffei had no further questions.

Tiena Cofoni, Board Attorney sought confirmation from the township planner of property dimensions. Stated it was a preexisting condition of this application.

A motion to **approve** this application was made by Mbr. Buie, seconded by Mbr. Kuntz and approved by the majority of voting members.

ROLL CALL: Ayes – Buie, Kuntz, Nienstadt, Fitzpatrick, Filauro, Andes, Maffei

OLD BUSINESS

Mbr. Filauro inquired about the status of previously approved applications. Specifically, Palmer Road and Casa Bella. Bill Denzler stated that Palmer Road had gotten their approvals and laid the foundation. Casa Bella had gotten their approvals a couple of months ago but has not yet gone forward. Mbr. Filauro asked the board attorney how the conditions are handled. Tiena Cofoni responded that the applicant can be held to the conditions of approval once they have commenced with the proposed. Mbr. Buie commented on the certificate of occupancy for the deck. Bill Denzler confirmed that depending on how the building department looked it, yes. Secretary Probasco mentioned that the Township Engineer was recently in contact with Casa Bella. Bill Denzler will talk to the engineer, find out the status of the building permits and issue violations if applicable. Tiena Cofoni mentioned that a summons can be issued for not satisfying the conditions of approval. Mbr. Buie commented that the board may wish to specify a sequence for future approvals to ensure the board gets what they desire. Mbr. Filauro stated that she would like to have a status for the board before taking any action. The Township Planner confirmed he would obtain the information for the board. Mbr. Buie inquired about a period of time for enforcement. Bill Denzler confirmed that it's usually one year but that most people wait before they start.

Mbr. London inquired about old records storage and electronic provisions. Secretary Probasco responded to the archives being stored offsite and searchable agendas and minutes on the website. Mbr. Buie added that electronic files could be requested on disk at the time of the application submission for future use. The Board Secretary stated that she would continue discussions with in house individuals regarding future scanning and document storage to be consistent with DARM. Tiena Cofoni confirmed that DARM is a state run agency that oversees municipal records management. Mbr. Schmitt inquired if there could be a limit to the size of drawings submitted for ease of use on the dais. Stating that the Bank of America drawings were large for the size of the project. Bill Denzler stated that on the checklist it's typically based upon scale. Mbr. Schmitt added that we suggest the drawings be as small as possible based upon the scope of the job. Bill Denzler commented that we could have one full size with the remaining copies being a smaller size for the board members.

NEW BUSINESS

A short video entitled 'No Tolerance' was shown. This video was provided by the Municipal Excess Liability Joint Insurance Fund for Workplace harassment, discrimination and wrongdoing. Afterwards, the board members signed a sheet confirming that they viewed the foregoing video.

Chr. Maffei announced that the public portion of the meeting would go to Closed Session.

CLOSED SESSION

Board entered closed session to discuss the summons of Woodmont Properties vs. Township of Denville Planning Board, Meola Builders, Inc., and William James Norwick.

The board reopened the public portion of the meeting. Mbr. Filauro mentioned the upcoming earth day event and the green sustainability fair.

ADJOURNMENT

Motion to adjourn.