

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

August 8, 2012

The Planning Board of the Township of Denville held its regular meeting on Wednesday, August 8, 2012. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:30 P.M. Acting Chair Buie presided.

Secretary Probasco read Notice of Public Meeting.

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

PURCHASING

Motion to pay vouchers submitted by The Buzak Law Group (dated July 3, 2012) 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 July 3, 2012 and August 1, 2012) 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 Hatch Mott MacDonald (dated June 21, 2012 and July 24, 2012) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Nienstadt and unanimously approved by all Members present and able to vote.

PUBLIC HEARINGS

**APSP/FSP 12-03: 29 East Shore Road, LLC
Block 40901, Lot 1692
121 East Shore Road**

Vice Chr. Buie announced to members of the public that the public hearing for this application would not be heard tonight. At the applicant's request, the public hearing for this application has been adjourned. It will be carried without further notice to the September 12, 2012 planning board meeting.

**#16-12: Denville Land Use Ordinance
Establish Hotel Use Overlay Zone and Development Regulations**

Acting Chr. Buie asked John Ruschke, PE to provide an overview of the proposed Ordinance 16-12 that was introduced to governing body and scheduled for adoption at the August 14, 2012 Municipal Council Meeting. Stating that the ordinance amends the zoning regulations to establish a hotel use overlay zone and development regulations associated with that use. Proposed overlay zone area is at the intersection of Ford and Morris Avenue affecting three particular lots. Block 62101, Lots 2, 2.01 and 2.02. The permitted uses in the overlay would be hotels, accessory restaurants, banquets and recreational facilities. This includes the development regulations associated with the use including minimum lot area, frontage, setbacks, heights and other requirements. Referenced Bill Denzler's memo dated August 1, 2012 to the board regarding this topic.

Ed Buzak, Esq. provided an overview of the board's function regarding the proposed ordinance. Whether the ordinance is inconsistent with Master Plan and if the board has any recommendations regarding the proposed ordinance. Any recommendations will be provided to the governing body.

The Board Attorney stated for the record, that he held conversations with both John Wyciskala, Esq. and Ted Einhorn, Esq. regarding the proposed overlay. Both attorneys represent interested parties who own or are affiliated with properties to which this zoning would apply. Explaining that the law does not contemplate a public hearing by the Planning Board. Interested parties can express their concerns on the proposed ordinance before the governing body. Suggesting to the board that comments from the public be reserved for the governing body.

Acting Chr. Buie stated that based upon the report from the Township Planner, the proposed ordinance is not inconsistent with the Master Plan and opened to the board members for comment.

Mbr. London commented on the Hampton Inn parking lot being 90% vacant during the day, voiced concerns regarding the flooding concerns, culvert and the flood plain elevation.

Mbr. Kuntz commented on a detention basin and inquired about measurements. Referenced the language 'all hotel buildings' and voiced concern for multiple hotels and the coverage. John Ruschke responded that we would need to verify that the smaller lot could stand by itself. Mbr. Kuntz voiced her ambivalence for overlay zones.

Mbr. Schmitt referenced setbacks as it relates to a canopy and commented he would like to see some type of language regarding 'no other enclosed space' above the canopy. Voicing concern for the massiveness of a structure that close to the property line. Inquired if the total ground floor area includes the canopies. Suggesting that there be a height for the canopies.

Mbr. Fitzpatrick inquired about occupancy and asked the township engineer if he had any recommendations regarding flooding and coverage. John Ruschke, PP commented that during development there would be stringent storm water regulations and water recharge. Mbr. Fitzpatrick commented that revenue for the town was not to be a basis for consideration by the board members. Ed Buzak, Esq. stated that generally this is true and that the Master Plan addresses generically.

Mbr. Nienstadt inquired about signage and visibility from Route 80. The Township Engineer spoke to signage having to comply with the applicable sign provision of the industry zone. Mbr. Nienstadt referenced a prior plan to include a dining hall. Mr. Ruschke stated plans would be required to determine what was being proposed. Mbr. Buie mentioned having six years to develop something previously approved.

Mayor Andes provided a brief history stating that an escrow account had previously been established and an opinion was requested by the Town Planner. The topic was recently revisited, reviewed by subcommittee and a draft ordinance was generated. Stating most exits on Route 80 have multiple hotels. The Mayor spoke positively on the location, being good for Denville and hoping that the board would vote favorably.

Acting Chr. Buie concurred with the Mayor and the majority of the comments from the board members. Stating there isn't a better location in town. Commented that traffic would need to be regulated during large parties.

Ed Buzak, Esq. stated that comments may include confirming that the ground floor area under any building canopies be included in the building coverage. Second consideration, that there be a height limitation on that building, extension or canopy. Stating that the board could choose, if the height is not covered, that the planning board recommends that it be covered.

Mbr. Buie commented that the flooding would be addressed as part of any application and inquired that the height could not exceed 55'. Mr. Buzak stated that the ordinance states 55' and that the board could always make a recommendation for less.

Vice Chr. Buie asked if other board members had additional recommendations they would like to see added. Mbr. Kuntz stated she would have liked more information regarding the impact and the retention basin. Mbr. Buie stated the details of the basin would be a part of any application of what is being proposed at that time.

A motion to **approve that this ordinance is consistent with the Master Plan** was made by Mbr. Kuntz, seconded by Mbr. Nienstadt and approved by the majority of voting members.

ROLL CALL: Ayes – Kuntz, Nienstadt, Fitzpatrick, London, Schmitt, Andes, Buie

A motion to **approve the ordinance recommendation for a clarification or modification that the ground floor area under any canopy or building extension be included as ground floor area for calculations of the maximum building coverage** was made by Mbr. London, seconded by Mbr. Nienstadt and approved by the majority of voting members.

ROLL CALL: Ayes – London, Nienstadt, Kuntz, Fitzpatrick, Schmitt, Buie
Abstain – Andes

A motion to **approve the ordinance recommendation for no rooms above the building extension or canopy (instead of a height limitation on the building extension or canopy)** was made by Mbr. London, seconded by Mbr. Schmitt and approved by the majority of voting members.

ROLL CALL: Ayes – London, Schmitt, Kuntz, Nienstadt, Fitzpatrick, Andes, Buie

NEW BUSINESS

Acting Chr. Buie referenced the League of Municipalities convention and asked members to notify the Board Secretary if they had an interest in attending.

ADJOURNMENT

Motion to adjourn.