

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

March 13, 2013

The Planning Board of the Township of Denville held its regular meeting on Wednesday, March 13, 2013. 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, Christopher Golinski, Sue Filauro, Mark London, Kurt Schmitt
 Absent – Marilyn Kuntz
 Professionals present – Edward Buzak, Esq., John Ruschke, PE, Jason Kasler, PP

MINUTES

January 9, 2013

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

PURCHASING

Motion to pay vouchers submitted by The Buzak Law Group (dated January 9, 2013) subject to the availability of funds, was made by Mbr. Buie, seconded by Mbr. Golinski and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by William Denzler and Associates (dated January 3, 2013) subject to the availability of funds, was made by Mbr. Buie, seconded by Mbr. Nienstadt and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by Hatch Mott MacDonald (dated December 19, 2012 and January 7, 2013) subject to the availability of funds, was made by Mbr. Buie, seconded by Mbr. Nienstadt and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by Kasler Associates (dated February 1, 2013) subject to the availability of funds, was made by Mbr. Buie, seconded by Mbr. Nienstadt and unanimously approved by all Members present and able to vote.

EXTENSIONS

Joseph Garofalo, Esq. of Garofalo & O'Neill, P.A. (60 Baldwin Road, Suite 202, Parsippany) was present on behalf of the applicant, Glenmont Commons Developers, LLC for one year extension of protections for preliminary subdivision approval in connection with the development of Casterline Road (Block 10002, Lot 3) MPS 08-03.

Motion to approve this extension from December 9, 2012 through December 9, 2013, was made by Mbr. Filauro, seconded by Mbr. Buie and unanimously approved by all Members present and able to vote.

Roll Call: Ayes: Filauro, Buie, Nienstadt, Golinski, London, Andes, Maffei

PUBLIC HEARINGS**PSP/FSP 12-05: Universal Institute, Inc.
Block 60101, Lot 502
40 Morris Avenue**

Timothy Saia, Esq. of Morgan Melhuish Monaghan (651 West Mt. Pleasant Avenue, Suite 200, Livingston) represented the applicant, Universal Institute, Inc. for preliminary and final site plan approval consisting of three handicapped access ramps along with sidewalk improvements on the existing building. This requires "C" bulk variance relief for side yard setback of 27'.

Gerald J. Novak, AIA (46 Commerce Road, Cedar Grove) was present, sworn under oath and accepted as a professional witness. Stating that any questions regarding the operation of the group home would be answered by Lisa Lasso. Mr. Novak entered Exhibit A-1 for the colorized version of the SP1 that the board members already possess. The rear of the home is level and currently handicapped accessible. The front, rear and sides of the home vary in height between 2'-4'. The building itself is highly regulated by the state and all three access points to the home will require handicapped ramps. The front ramp currently on the dwelling is a temporary aluminum ramp that will be replaced with a permanent wood ramp. A sidewalk is required to get from the right ramp (depicted in blue) on the right side of the building to the existing concrete patio in the rear of the building. The rear patio leads to the left side of the building and the driveway. The existing sidewalk on the left side of the building would be replaced to lessen the severity of the slope. The proposed sidewalk would be 20' straight before turning. The left ramp (depicted in green) would require relief for 3' side yard setback to eliminate the need of having a longer ramp come into the driveway area. The height of the ramp is 21". Mr. Novak used Exhibit A-2 consisting of eight photographs to provide an overview of the elevations. The photographs were Left Side Elevation, Right Side Elevation, Front Elevation, Left Side Driveway and Setback, Rear Elevation and Sidewalk Extension at End of Driveway.

Chr. Maffei opened to the board professionals.

John Ruschke, PE inquired about proposed interior improvements. Mr. Novak stated that a building permit was issued for interior bathrooms and ramp within the garage along with exterior lighting. Township Engineer inquired if the proposed improvements were an intensification of the premises and the applicant's architect replied none. Mr. Ruschke referenced site plan waivers and stated that this is consistent and acceptable. Any further improvements may require this information and the waivers may not be appropriate. Mr. Ruschke referenced the maximum slope of 8.33% and pulling the ramp one foot closer. For the record, Mr. Novak stated that if the distance is not required during site conditions, the ramp will be located 1' closer to the dwelling structure. Mr. Ruschke agreed to field modification and that minimum turns would be ideal for safety.

Jason Kasler, PP inquired about the front entrance and if there was a railing and door proposed. Mr. Novak stated that the porch is 3" below the door saddle. A 3" concrete ramp is proposed on top of the existing concrete porch to allow the wheelchairs to access the door. There is a new proposed railing where the 3" step will be located. There is a gate to prevent a wheelchair from going off the 3" lip.

Chr. Maffei opened to members of the public.

Sandy Sebastian (35 Morris Avenue) was present and lives across the street from the subject property. Ms. Sebastian provided her admiration for those working with the handicapped and inquired about the waiver for ramps and proposed exterior lighting. Mr. Novak stated that a permit was issued to install floodlights on the exterior of the building and ramps. The floodlights are residential lighting and will direct lighting downward and not near the property lines. The lights are activated with motion detectors.

Stan Sebastian (35 Morris Avenue) asked about the waivers requested for drainage, curbing and parking. The Township Planner responded that the information requested is based upon topography and typical of a site plan application. This information is not required for this application based upon the work that is being performed. Mr. Sebastian inquired about the maximum residents allowed in this home. Eleven residents maximum. Mr. Sebastian stated that he was a member of the design team and a recently retiree of St. Clare's Hospital and inquired about the need for ramps to both the rear and front doors. Mr. Novak stated that the rear door would be used the most to access the rear patio, the left door would be used mostly to exit the building and the front and right doors mostly for emergencies. Mr. Sebastian inquired where the family members would enter the building.

Lisa Lasso, co-owner of Universal Institute, (5 Microlab Road, Livingston) was present and sworn under oath. Ms. Lasso stated that the family members would park in the driveway and enter through the front door. Stan Sebastian inquired how many family members were anticipated at any one time. Ms. Lasso stated that the residents will be at the rehabilitation center during the day for therapy and returning before dinner. Family members would most likely come in the evenings and on weekends. Stan Sebastian inquired about where cars turn around and if there were future thoughts for a parking lot. Ms. Lasso explained that they have only been open for two weeks and she has received no complaints. Stating no future plans have been finalized. Chr. Maffei stated that they applicant would have to return to the board for future approvals. Stan Sebastian inquired about staffing. Ms. Lasso explained that the ratio is 1 to 4

so that 3-4 people could be at the house at any given time. Mr. Sebastian inquired about the quantity of large vans, where they would be parked and about written parking arrangements with St. Clare's. Ms. Lasso testified that there is only one van and that St. Clare's was providing a few odd spots along the front as a verbal courtesy.

Public portion of the seeing none, closed the public portion of the meeting.

Chr. Maffei opened to the board members.

Mbr. Schmitt inquired about the aesthetic appearance of the ramp and the addition of shrubs to soften the appearance of the elevation and railings. Mr. Novak stated that 30" shrubs could be planted along the approximate 21' length to soften the railing. Mbr. Schmitt indicated that the shrubs would help the appearance of the front and west elevations.

Mbr. Nienstadt inquired about the number of residents and the most used entrance. Ms. Lasso stated there are 8 residents currently with a maximum of 11. Having multiple doors provides the residents choices.

Mbr. Golinski inquired about the jurisdiction of the board vs. zoning and the length of time for residents. Ms. Lasso indicated the residents are lifelong.

Mbr. Buie commented that it is a great service being provided and voiced concern about the parking situation and the need for K-Turn's to avoid backing out of the driveway. Mbr. Buie suggested that additional parking arrangements should be made towards the back and perhaps a contract could be obtained with St. Clare's. Mbr. Buie inquired about battery back-up's for the lighting. Mr. Novak stated that there is a whole house emergency generator. Mbr. Buie commented on concrete instead of the wood slats. Mr. Gallucci commented that concrete becomes slippery.

Vincent Gallucci GCC, Inc. spoke to the maintenance and safety of the decks. Mr. Gallucci stated that the decking allows some of the snow and rain to run-off and decreases the need for salt and calcium.

Mbr. London inquired about the original use of the home and Universal's business operations. Ms. Lasso stated that the home was originally for abused children. Universal Institute, headquartered in Livingston, has been operating for approximately 24 years as an outpatient facility providing therapies for individuals with brain injuries. They have approximately 30 group home facilities with 160 residents. Ms. Lasso confirmed that their large capacity van can travel up and down the driveway. There is a walkway that can be used to access five overflow parking spaces at St. Clare's. Employee shifts are 3pm-11pm, 11pm-7am and 24 hours on weekends.

Mbr. Filauro inquired about access to the home. Ms. Lasso explained that the residents use the garage entrance to access the ramp inside the garage. Mbr. Filauro concurred with fellow board members that landscaping be added to make it aesthetically pleasing.

Mayor Andes inquired about the home being empty during the day and the ability to transport all residents. Ms. Lasso indicated that there could be a maintenance person or family member at the house during the day. Residents who are not in wheelchairs use the van. Mayor Andes spoke to the appearance of the neighborhood. Ms. Lasso stated that the home will be maintained as a residence and kept absolutely beautiful. It is not a non-profit organization and the income is reinvested into the homes.

Chr. Maffei agreed that landscaping goes a long way and commented on the danger of traveling on Morris Avenue. Ms. Lasso agreed that the safest way to exit the driveway would be after performing a K-Turn at the top. Chr. Maffei inquired about future plans to enclose or cover any walkways. Ms. Lasso stated that canopies tend to appear commercial and institutionalized. Their program is called 'community re-entry'. The ramp inside the garage provides shelter during inclement weather. Ms. Lasso stated that interested parties could look at their website www.UJRehab.com.

Applicant is requesting preliminary/final site plan approval with a 'C' bulk variance for side yard setback to construct three (3) handicapped access ramps (front and each side). Additional improvements include reconstruction of several sidewalks. Conditions will include possible decrease of the side yard setback along with landscaping to soften the front and westerly ramp elevations.

A motion was made to approve this application by Mbr. Filauro, seconded by Mbr. Buie and unanimously approved by all Members present.

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

**MS/SS 13-01: The Valva Family Trust and George Valva Co-Trustee
Block 10401, Lot 13
Michael Street and Echo Lane**

Alan Adler, Esq. was present to represent the applicant. Ed Buzak, Esq. advised Mr. Adler that without witnesses to testify, the application would not be heard tonight. Witness testimony would be necessary to create a record. As no legal notice was originally required, there would be no further notice required.

Alan Adler, Esq. inquired if the deed easement would be required to be provided to the board beforehand. Edward Buzak, Esq. stated that he had received a draft copy by fax but had not yet reviewed it. However, the deed easement is not necessary for the public hearing to proceed.

Chairperson Maffei announced to the members of the public that this application would be carried without legal notice to the April 10, 2013 planning board meeting.

OLD BUSINESS

Secretary Probasco referenced that the agenda packets would be available for pick-up from the police dispatcher until the mail room is accessible.

Mbr. Filauro commented that it was nice to see that the Casa Bella work was underway.

NEW BUSINESS

The board attorney referenced correspondence from Sean Monaghan, Esq. of Drinker Biddle regarding Morris Habitat for Humanity. Ed Buzak, Esq. provided a brief overview of the board's prior condition of approval regarding no further subdivision for this property. The condition was included in the deed. While it is not the intent of Morris Habitat for Humanity to further subdivide the property, they are seeking to build six multi-family affordable housing units. The property does have environmental constraints. Provided an explanation of a title matter that removes restrictions off a property. Mr. Buzak explained that Morris Habitat for Humanity was interested to know if the planning board would oppose a modification of this condition to determine if they would pursue it. A presentation could be provided to the board or a sub-committee could also be formed. After some brief discussion, the board agreed that a presentation from Morris Habitat for Humanity could be scheduled before the planning board. This would be listed on the agenda for an informal meeting and would be scheduled without public notice.

Chr. Maffei inquired about what prevents an application that is denied by the board to resubmit in the future. Ed Buzak, Esq. indicated that an application needs to have changed circumstances before being reconsidered by the board. It is possible that after many years an application could fall through the cracks. In most instances, there is always someone that remembers it was previously considered. If so, the board has the right not to hear it. There was brief discussion regarding historical documentation of this information. However, there is nothing in the law that allows documentation to signify the denial of an application. While the records are filed, the information isn't indexed in that way.

ADJOURNMENT

Motion to adjourn.

Denean Probasco, Board Secretary

Date Approved: April 10, 2013