

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

May 8, 2013

The Planning Board of the Township of Denville held its regular meeting on Wednesday, May 8, 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, Marilyn Kuntz, Sue Filauro, Kurt Schmitt, Mark London
 Absent – Christopher Golinski
 Professionals present – Edward Buzak, Esq., John Ruschke, PE, Jason Kasler, PP

MINUTES

April 10, 2013

Motion to adopt the meeting minutes as submitted 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 April 9, 2013) 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 Kasler Associates (dated May 1, 2013) 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.

PUBLIC HEARINGS

**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 and represented the applicant. Mr. Adler stated that the application is for a minor subdivision of two lots, one of 5.0 acres and a second of 3.45 acres, requiring a "C" bulk variance for lot width. Stating that two waivers were being requested for plan requirements. One waiver for a steep slope map and the second waiver from a scale of 1" = 40'.

Thomas Graham, PE and Partner of Dykstra Walker (21 Bowling Green Plaza, Suite 204, Lake Hopatcong) provided testimony on behalf of the applicant. Mr. Graham stated that the property of 8.45 acres is in the R-1 zone. The site supports one single family home and is surrounded with residential homes on the north, south, east and west. The property has frontage on two roads; Echo Lane and Michael Street. Both roads terminate at the property lines. The proposed subdivision would leave proposed Lot 13.02 of 5.0 acres and proposed Lot 13.01 of 3.45 acres with an existing home. The first waiver is for the use of the submitted plan with a scale of 1" = 50' instead of the required 1"=40' was provided to show more of the surrounding area and residential homes. The second waiver is from the steep slopes plan. A topographic map was included to show that there is no proposed disturbance and that there is no steep slopes component to the application.

Mr. Graham continued his testimony with the Site Plan (**Exhibit A-1**, Sheet 1 of 2 dated January 23, 2013 with a revisions of April 10, 2013) which is the same as what was submitted to the board. Proposed Lot 13.02 of 5.0 acres has frontage on Michael Street with a lot width of 128.5 where 175' is required. Stating there would be no detriment to the adjoining property owners. Mr. Graham stated that this lot is actually 320' wide but 128.5" wide based upon the ordinance. Mr. Graham testified that the existing sanitary sewer line crosses over proposed Lot 13.02 which is addressed by the triangular easement area.

Chr. Maffei opened to the professionals.

The Township Engineer and the Township planner had no questions at this time.

Ed Buzak, Esq. inquired about the positive criteria of the application. Tom Graham, PE responded that the purpose is the creation of an open space lot for the Township of Denville. In addition, the existing lot and ROW

is not setup for a developable lot and does not require the road frontage. Mr. Buzak asked if the applicant was agreeable to the inclusion of the condition of the Lot 13.02 being conveyed as 13.02 to the Township of Denville. Alan Adler, Esq. confirmed the acquisition and the transfer of the lot to the Township of Denville. Mr. Buzak inquired if the lot was being conveyed with or without consideration to the Township. Mr. Adler, Esq. stated it was being conveyed with consideration but did not have the amount available. Mr. Adler, Esq. did confirm that acquisition was taking place with public open space funds.

Chr. Maffei opened to the public for questions.

An unidentified member of the public inquired why the township would be interested in paying for this property that is surrounded by homes with limited access. Mr. Buzak pointed out the role of the Planning Board and the member of the public stated he would bring this purchase up to the Council.

Paul Madler (7 Waterview Lane, Randolph) inquired about the drainage. Stating that there were considerable questions regarding water runoff when Mr. Hertzberg originally subdivided the property. Mr. Graham responded that there were no changes to the land proposed, that it was not going to be changed in any way to impact the storm water management.

Chr. Maffei asked for other members of the public and seeing none, closed the public portion of the meeting.

Chr. Maffei opened to the board members.

Mbr. London had none at this time.

Mbr. Filauro inquired about the requirement for steep slopes map. Mr. Ruschke explained that the topographic map provided by the applicant was sufficient

Mbrs. Schmitt had no questions and commented that he thought it was a good application.

Mbr. Nienstadt had no questions and concurred with Mbr. Schmitt.

Mbr. Buie had had no comments or questions.

Chr. Maffei had no questions and agreed with fellow board members.

The Board Attorney summarized that the motion should address the granting of the minor subdivision as set forth in the application and testimony tonight with a variance for the frontage requirements for the newly created Lot 13.02 and subject to the conditions and with the conveyance to the Township of Denville.

A motion to approve this application was made by Mbr. Buie and seconded by Mbr. Nienstadt.

ROLL CALL: Ayes – Buie, Nienstadt, Filauro, London, Schmitt, Maffei

**PSP/FSPV 13-02: The MacCormick Agency
Block 50202, Lot 2
176 Route 46 West**

Michael Rowland, Esq. represented the applicant, The MacCormick Agency. Applicant is requesting preliminary/final site plan approval to construct a two story addition on an existing building with associated bulk variances. Mr. Rowland stated that there would be three witnesses providing testimony. The witnesses were present and sworn under oath.

Thomas Graham of Dykstra Walker Design Group (21 Bowling Green Parkway, Suite 204) was present, sworn under oath and accepted as an expert witness.

Michael Castellini, Manager of the Denville branch of The MacCormick Agency (18 East Main Street, Denville) was present, sworn under oath and provided a history of the business and its growth. Explained that the current location of the building is difficult for a retail business. Nine employees use parking permits. Primarily the Bloomfield and Bus Station municipal parking lots. Prior locations included 78 Diamond Spring Road. One office delivery per week, two visitors per day. Most business takes place at the client's locations to discuss insurance coverage.

The proposed additional space is required to provide for future growth. Without the proposed improvements, the insurance agency would be at maximum capacity. There is currently 15 parking spaces which will decrease to 12 after the parking lot is restriped. The employees will park in the Bloomfield municipal parking lot and utilize the existing stairs to the adjoining sidewalk. The proposed parking improvements will provide for the customers along with ample room for a garbage or office supply truck to turn around. Customers currently have a difficult time parking. Access to the property is singular in nature westbound side of Route 46 only. The applicant agreed that if the status of the Bloomfield municipal parking lot changes, employee permits would be purchased and obtained. In Mr. Castellini's opinion the parking lot has always been underutilized and their employee's parking will have no effect.

Steven Bias, AIA (344 Route 46 West, Denville) was present, sworn under oath and accepted as a professional witness. Mr. Bias provided an overview of the three pages of architectural drawings that were submitted to the board.

Exhibit A-1 – Elevations Colorized, Exhibit A-2 - Floor Plans, Exhibit A-3 – Colorized Site Plan

The building is approximately 26' wide (parallel to Route 46) and 50' in depth (perpendicular to Route 46) with main access from the parking lot on the East facing side of the building. The existing masonry building with wood frame roof and floor systems will remain the same in the proposed design. Most of the improvements are proposed within the existing 1,300 sq. ft. building. Proposed improvements include an enclosed egress staircase and updated restroom facilities. For flood reasons, the utilities will be moved from the existing basement to other parts of the building. All new windows and an open floor plan are proposed. A ramp and

covered entrance already exist and will be improved. The proposed addition will be 650 sq. ft. per floor for a total of just under 2,000 sq. ft. per floor and will allow for flood water movement beneath the building.

Mr. Bias provided a review of the required variances, using Exhibit A-3. The proposed addition would be most efficient to the front of the building in the front yard setback. The adjacent property is downgrade from the subject property and not negatively impacted. Using Exhibit A-1, Mr. Bias provided an overview of the building elevations. With a consistent roof and cement façade. Proposed siding to cover the wood panels beneath each window.

Mr. Bias testified to the flush wall mounted sign of 22.8' x 4' consistent in size and type on three sides of the building. Front sign requiring a variance, as it exceeds 10% if the smaller façade size of the front of the building. Pedestal mounted sign would need to be refreshed with new logo.

Thomas Graham, PE and partner of Dykstra Walker, provided an existing conditions overview using **Exhibit A-4**, Site Plan Cover Sheet. There is no vehicular access to the site other than Route 46 Westbound. No vehicular access from Bloomfield Avenue and is only accessible by Route 46 Westbound. Foot traffic accessible from the municipal parking lot. The Township of Denville owns the property where the stairs are located. The owner of the subject property is responsible for the maintenance of the stairs.

A new sidewalk is proposed. Twenty pillar lights will be removed and replaced with two parking lot lights and one building mounted fixture. The lighting spillover and intensity is intentional for the safe and secure access of the stairway. Testified to the available parking on average during site visits being adequate at the 12 proposed instead of the 15 required. The required front yard setback is 40' and the proposed setbacks are 25.6' and 31'.

Mr. Graham testified that the proposed front yard addition would have less negative impact to the neighborhood. There is no immediate neighbors on the sides and Stewarts in the rear. Stating that there is no building to the west of the building that would be obscured by the addition. Stating that the overall signage of 270 sq. ft. is less than the 360 sq. ft. allowed.

There was some discussion of the pylon sign and the ability to replace it, should it become damaged. Edward Buzak, Board Attorney indicated that the existing pylon sign was a pre-existing non-conforming sign. Michael Rowland, Esq. stated that the applicant would like to seek a variance for the existing pylon sign.

Mr. Graham continued his testimony regarding the variances and waiver sought as referenced in Addendum 'A' of the application submitted to the board. The Hatch Mott MacDonald letter dated April 29, 2013 was referenced and Mr. Graham responded. The applicant has requested permits from the NJDEP and the subject property falls in Riperian zone overlap. The applicant agreed that any board approval would be subject to NJDEP approval. The proposed addition will be wet floodproofing. The proposed basement will have waterproof coatings. The new addition will comply with 12" above the 509.0' elevation at 510.28'. The existing floor is 8.5" above the flood hazard elevation. The parking spaces will be corrected on the plan for 26 parking spaces after the proposed addition. The originally referenced 18 parking spaces was for the existing building. The recommendation to shorten the sidewalk area to increase truck maneuverability will be incorporated. The lighting information will be added to the plans. Shielding will be provided. The roof leader drains will also be incorporated into the plans. Mr. Graham stated there will be sufficient CF's and will provide the detail to the Township Engineer. The block curb detail will be increased to 4" for consistency. An error in the zoning parking table of 4 will be changed to reflect 5. The applicant will obtain an exemption letter from Morris County Soil Conservation District for the soil disturbance of 3,500 where the threshold is 5000 sq. ft. and the applicant agrees to this as a condition of approval. The applicant also agrees to an As-Built drawing as a condition of approval prior to a CO.

Chr. Maffei opened to the board professionals.

John Ruschke, PE inquired about the NJDEP and the generator. Mr. Graham responded that it would be a zero net fill. Stating that the DEP is requesting a letter of no interest from the DOT for removal of the pillars from the DOT ROW. Applicant agrees to screening of the generator for sound and landscaping for the parking lot as conditions of approval. Mr. Ruschke had questions of the architect and inquired about the windows, balcony and roof. Mr. Bias stated that each window surround will be repaired and painted. Stating that the existing canopy will be re-skinned or new fascia as well as the roof. Mr. Bias confirmed that there would have a face lift on the entire building.

Jason Kasler, PP inquired of Thomas Graham regarding the survey dimensions. Mr. Graham stated a gore between the two properties was not considered the applicant's property. Mr. Kasler inquired about the wall mounted sign and the justification to continue the pylon sign. Mr. Graham responded that it is an identity of the site. Explaining that the three building mounted signs are permitted and the pylon sign is allowed as pre-existing non-conformity as it exists. Mr. Kasler inquired about parking spaces, trash collection and flagpole. Mr. Graham responded that the 8' handicapped van accessible access aisle and 9' non-handicapped spaces. Pick-up of garbage will have to be coordinated by private hauler after hours for pick-up since there is no access when a car is parked there. Mr. Graham doesn't recall seeing lights on the flagpole.

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

Chr. Maffei opened to the board members.

Mbr. Schmitt inquired about employee parking and voiced concern for a future change of use. Mr. Castellini stated that there are currently 9 but potentially 14. Mbr. Schmitt voiced concern for a large amount of signage in a small amount of space. Mr. Castellini stated if it would please the board, they would reduce the size of the one sign. Mr. Graham confirmed that they are seeking a letter of no interest from the DOT.

Mbr. Nienstadt also voiced concerns about the freestanding sign and inquired about the landscaping. Mr. Graham stated that the existing site is already developed and the proposed project will be treated with grass between the pillars. There will be some screening for the generator.

Mbr. Buie inquired of the architect regarding the ADA ramp. Mr. Bias stated that no elevator is required. Mbr. Buie spoke to the unisex bathroom and a possible reduction of water closets. Mr. Bias would have to verify the code requirements and the plumbing closet. Mbr. Buie stated his least concern was for the parking. Mbr. Buie commented that the pylon sign would do more from a marketing standpoint than the sign on the building. Mbr. Buie also commented on the appearance and landscaping. Mr. Graham stated that landscaping is impacted by the riparian zone and could be evaluated. There will be no changes to the curb cut.

Mbr. London inquired about basement and mold concerns. Mr. Graham explained that flood waters would have access. The applicant was told there was 2' of water in the basement during the flood. There will be no organic material for mold to grow. Mbr. London agreed there is some clean-up required and inquired about the stairs. Mr. Buzak did not wish to speculate regarding ultimate liability regarding injury. Mbr. London inquired about hours of operation, pylon sign and the smell of the dumpster. Mr. Castellini stated they are open 9 am to 5 pm and not currently open on Saturdays, but if they were it would be 9 am to noon. The existing pylon sign is illuminated and would remain the same size. Mr. Castellini stated he would make a call on the dumpster and reiterated that he would decrease the size of the south facing building size if it would please the board.

Mbr. Filauro inquired about the lighting and the lighting of the stairs. Mr. Graham confirmed that the lighting would be on timers 30 minutes before dawn and after business closes. The exception being safety lighting. A sensor light could be installed for the stairs from the parking lot. Mbr. Filauro inquired about documents in the basement. Mr. Castellini stated shelving would be used. Mbr. Filauro suggested the applicant to improve the landscaping were possible and commended the improvements to cleaning up the property. Mr. Graham stated that the lighting would be consistent with the township ordinances.

Mbr. Kuntz stated that she concurred with the board members regarding the signage. The majority of Mbr. Kuntz's questions were answered. Mbr. Kuntz applauded the clean-up of the site.

Mayor Andes thanked the applicant for doing business in Denville. The applicant confirmed they understood the parking permits should there be changes regarding the municipal parking lot.

Jason Kasler stated that the ordinance on lighting indicates internal illumination or spotlight.

John Ruschke asked that the base elevation of the basement floor be added to the plans to avoid confusion regarding net fill. Stated that as a general note stairs and sidewalks will need to be maintained by the applicant as it relates to ROW and safety.

Chr. Maffei commented on the stairs. Michael Rowland, Esq. stated that it is the applicant's intention to maintain and provide for the removal of snow and ice. Mbr. Maffei commented on the parking requirements having decreased in the recent years and inquired about the building number being visible from east and west for identification. Chr. Maffei agreed with the additional landscaping.

Michael Rowland, Esq. stated that the variance request for the building mounted south facing sign is to be removed from the application. Further stated that a plan for the lighting of the signs will be in full conformance with the town's ordinance and submitted to the engineer. This will include the pylon sign.

The board attorney provided an overview of the conditions of approval. Including the letter from the Township Engineer. Conditions to include: stairway lighting to be maintained at all times and to include staircase sensor lighting, additional landscaping for building aesthetics, employee use of municipal parking lot (paid or free), NJDOT letter of no interest, generator screening and sound attenuation plan to meet with the approval of the township engineer, change in use will require approval for number of parking spaces, legitimize pylon sign, stairway maintenance by applicant to include snow and ice removal, zero net fill to be included in the revised plans, flagpole to be lit, elevation of the basement floor on the plans, etc.

Edward Buzak, Esq. stated that the requirement of 26 with the 12 proposed parking spaces would require relief for the elimination of 14 parking spaces.

A motion to approve this application, with conditions was made by Mbr. Buie and seconded by Mbr. Filauro.

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

**PSP/FSPV 13-03: Morris County School of Technology
Block 31301, Lot 3 & 18
400 East Main Street**

Richard Angowski, Esq. of Schwartz, Simon, Edelstein & Celso, LLC (100 South Jefferson Road, Suite 200, Whippany) represented the applicant, Morris County School of Technology. The applicant is requesting preliminary/final site plan approval for site improvements with associated bulk variance. One portion of the application is proposed repaving of the school parking lot and to pave an additional portion in front of the building near the corner of Route 53 and Fox Hill Road. The second portion of the application is a "C" bulk variance for a proposed digital sign to be located and replace the existing school sign. The professionals will address the site improvement portion of the application before the sign variance testimony.

Provided at Hearing, Not Distributed:

- **Exhibit A-1** – C-0401
- **Exhibit A-3** – C-2201
- **Exhibit A-4** – Two Color Photographs

Provided with Application Submission, Distributed:

- C-0001 – Cover Sheet
- C-0501 – Partial Demolition Plan (Exhibit A-2)
- C-0502 – Partial Demolition Plan
- C-1001 – Site Plan
- C-1002 – Partial Site Plan

- C-1501 – Grading and Drainage Plan
- C-6001 – Construction Details
- C-8001 – Soil Erosion and Sediment Control Plan, Notes and Details
- V-0501- Boundary and Topographic Plan
- V-0502 – Boundary and Topographic Plan

Adrian Allen, AIA of Ronald, Schmidt & Associates, P.A. (222 Grand Avenue, Englewood) was present, sworn under oath and accepted as a professional witness. Mr. Allen spoke to the required parking which is beyond repair and the proposed improvement of circulation, increased parking and ingress/egress to the site. Additional parking area proposed to accommodate the additional demand loads at certain times of the year, improve entrance access, ingress, egress and reduce some onsite traffic and safety concerns. This includes an area where a playground is situated.

Proposed site improvements were based upon concerns for pedestrian flow, cross traffic conflicts and traffic from Fox Hill Road. The pedestrians flow through the school buses which cue in front of the school. Cross traffic conflicts include vehicle drops and teachers. Fox Hill Road traffic impacted by light cues and RR tracks. Concerns for those using site to avoid the wait. Using the Site Plan, **Exhibit A-1** (Sheet C0401 dated April 23, 2013) Mr. Allen addressed that the current playground was to be replaced with a proposed half basketball court. This playground area will remain green area instead of being paved as originally submitted. This will be a level area of grass. This is after the "public committee meeting" that was held at the school. Buses will cue in the rear now, parent drop-offs and students will be in the front of the Building 4. Buses will exit using the same entrance and make a left or right onto Fox Hill Road.

James J. Gallagher, PE of Pennoni Associates (105 Fieldcrest Avenue, Edison) was present and accepted as an expert witness. Proposed parking spaces of 9' x 18' where 10' x 20' is required. Stating that the proposed parking space size is what is required throughout the state. The propose size would allow additional parking without additional paving. Proposing 324 parking stalls where 269 currently exist. No increased intensity of the site is proposed. The number was derived from current employees and student parking permits issued. No requirements in the POS zone for the parking space number. **Exhibit A-2** (Sheet C0501 dated April 9, 2013 last revised April 29, 2013) was used to provide current and proposed entrance and exit details. Currently vehicles proceeding in a westerly direction along Fox Hill Road are impeded by any backup at the intersection of Fox Hill Road and Route 53. Vehicles will frequently cross over on the wrong side of the road on the westerly portion of the property when there is a backup. Using **Exhibit A-1** to provide a review of how the access points have been altered was provided by Mr. Gallagher. There is an entrance/exit located towards the eastern end of the property with one lane entering in and two lanes entering out (right and left turn lanes). The entrance closest to Route 53 has been eliminated. Stating that the site access points as proposed would be superior to what exists currently.

Mr. Gallagher, PE provided an overview of the paving portion of the project. Sheet C8001 shows 3.96 acres of disturbance which includes 3.36 acres of existing blacktop to be repaved and .6 acres of asphalt, sidewalk and lawn areas to be provided. Area being repaved is 3.36 but not disturbed. The .6 acres to the northwest corner of the property will actually be disturbed and includes the surrounding grass areas and sidewalks that provide access to the existing Building 1. Wetlands exist along the easterly property. The closest wetlands point would be to the southernmost home shown on the plan. Mr. Gallagher stated that the proposed parking area is 400' from a wetlands buffer area that would apply. A trench drain was referenced in the southeast corner of the front parking lot. The purpose is to provide drainage for the proposed new parking. Stating that the Four Type A inlets are much larger capacity than a traditional trench drain.

A review of the lighting plan **Exhibit A-3** (Sheet C-2201 dated April 23, 2013) was provided. The lighting would be in compliance of .5' candles at the curb line of the Fox Hill Road ROW. No drainage is proposed or needs to occur based upon the testimony of Mr. Gallagher. The existing drainage can handle the small amount of additional impervious coverage. Lighting upgrade will be in compliance with the township ordinance to include apex angle and shoebox type. Proposed includes replacing the current existing non-energy efficient lighting with lights that have more spillover. All lighting in the front parking lot will be replaced. A total of eight mature trees are to be removed for the proposed new parking in the northwest corner of the property. No Steep Slopes are present on the property. Refuse was referenced – **Exhibit A-1** C-0401. Dumpsters are located centrally on the property on the eastern side of the property along existing parking spaces and adjacent to Route 53. These dumpsters are proposed to be relocated from their current location within the aquifer sensitive area. Proposed relocation to impervious blacktop outside of the aquifer sensitive area. The thickness of the blacktop was not available. **Exhibit A-4** depicting the view from Route 53 towards where the dumpsters will be located. Screening is required and can be achieved by adding slats to the existing chain link fence in that area adjacent to the parking. Mr. Gallagher stated that arborvitae could also be added.

In light of Mbr. London's need to depart, Mr. Buzak suggested that testimony end at this time. A carry date was discussed and agreed upon. The Board Attorney announced to the members of the public that the public hearing for this application would be carried to May 22, 2013 without further notice.

ADJOURNMENT

Motion to adjourn.