

TOWNSHIP OF DENVILLE  
PLANNING BOARD  
MINUTES

**June 12, 2013**

The Planning Board of the Township of Denville held its regular meeting on Wednesday, June 12, 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, Christopher Golinski, Peter Nienstadt, Marilyn Kuntz, Sue Filauro, Kurt Schmitt, Mark London  
**Absent** – None  
**Professionals present** – Edward Buzak, Esq., Jim Coe, PE, Jason Kasler, PP

**PURCHASING**

Motion to pay vouchers submitted by The Buzak Law Group (dated May 31, 2013) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Buie and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by Hatch Mott MacDonald (dated June 5, 2013) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Buie and unanimously approved by all Members present and able to vote.

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

**PUBLIC HEARINGS**

**CR 13-04:       Sunlight General Morris Solar, LLC and the  
Morris County Vocational School  
Block 31301, Lot 18  
400 East Main Street**

Judith Fairweather, Esq. of Day Pitney (One Jefferson Road, Parsippany) represented the applicant, Sunlight General on behalf of Morris County Vocational School. Applicant is requesting a D31 courtesy review of a capital project to install rooftop solar panels.

Peter Dubro, Professional Electrical Engineer at Sunlight Capital (991 Route 22 West, Bridgewater) was present, sworn under oath and accepted as a solar expert. Applicant is proposing a 60.01 KW Photovoltaic System on the roof top of Building 6. The unit will not be viewable from the ground. There is a small equipment pad with an inverter that converts to electricity.

Chr. Maffei opened to the board professionals for questions and comments

Jim Coe, Board Engineer spoke to no engineering issues. Stating that the roof is only accessible from the Rt. 53 side of the building. No impervious coverage, not visible based upon the height of the building.

Jason Kasler, Board Planner spoke to and inquired about the height of the panels. Mr. Dubro stated that they would be ???verify 1'. Mr. Dubro confirmed that there is only a rooftop unit proposed and the height will not exceed 1'.

Chr. Maffei opened to the public for questions.

Chris Fox (Denville) Inquired who's paying for it and what the payback period would be. Mr. Dubro responded that this is a County program and that Sunlight General owns the maintenance responsibility and tax benefits.

Stated that there is no set payback period. The school gets a discounted energy rate. All the energy produced from this small net metered system will be used by the school. No cost to Denville, Federal tax credit and a State program.

Asked for other members of the public, seeing none, closed the public portion of the meeting.

Chr. Maffei opened to the board members.

Mbr. London thought it was a great system, inquired about cables under the ground and water proofing. Mr. Dubro stated that the cables would be UV rated underground. Mbr. London inquired about solar program in the school. Mr. Dubro responded that there would be an educational component with a kiosk in the lobby for the students and available by website.

Mbr. Filauro inquired about the anticipated noise and lifetime. Mr. Dubro stated that only the solar inverter makes noise equivalent to a vehicle idling. The inverter will be located near the utility transformer. There is no noise during when the sun is not out during the evening hours. The panels have a 25 year warrantee.

Mbr. Kuntz stated her questions had already been answered. Commented that the project looks like it will be a success.

Mayor Andes commented on the program being great and inquired about all the panels being on one roof and ownership. Mr. Dubro answered that the roof on Buildings One and Six were the only options. After engineering review it was determined that the roof on Building One would not handle the load of the equipment. The County owns the equipment.

Mbr. Schmitt commented on the program being great but had no questions.

Mbrs. Golinski, Nienstadt and Buie all agreed with Mbr. Schmitt.

Chr. Maffei commented that many of the board members have solar panels on their homes and thought it was a good project. Chr. Maffei had no questions.

Ed Buzak, Esq. inquired about the size, quantity and maintenance of the panels. Mr. Dubro responded. The 209 panels have dimensions of 77" x 38". Building Six is clear of any HVAC equipment and all equipment can be maintained and is maneuverable. The panels are not mounted to the roof. They are on concrete ballists with compatible pads. No penetration of the membranes. Wires from the panels on the roof will go down the side of the building to the inverter. Mr. Buzak referenced the relation to the Master Plan for the Township Planner and if there are recommendations from the board regarding the project.

Jason Kasler, PP responded that there isn't specific recommendations for the proposed use in the Master Plan. The MLUL references renewable energy and that this project is not inconsistent with the Master Plan. Mr. Kasler stated that there was no negative impact on the Master Plan.

The board attorney inquired if the inverter be screened. Mr. Dubro stated there would not be screening as there was no room.

Chr. Maffei asked for recommendations from the board and there were none.

Chr. Maffei asked if the board found the proposed not inconsistent with the Master Plan.

A motion to approve the proposed project was made by Mbr. Filauro, seconded by Mbr. London and unanimously approved by all Members present and able to vote.

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

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

This is the third public hearing for this application. Prior hearings were held on May 8, 2013 and May 22, 2013. For the record, Secretary Probasco stated that audio affidavits were provided for the May 8, 2013 hearing by Mbr. Golinski and the May 22, 2013 hearing by Mbr. Buie.

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.

James J. Gallagher, PE of Pennoni Associates (105 Fieldcrest Avenue, Edison) was present and accepted as an expert witness. Mr. Gallagher referenced and addressed the Hatch Mott MacDonald letter dated April 29, 2013, with 17 Items. The basketball court has been eliminated, creating a green area will create a .02 reduction of impervious acreage. Does not constitute a redevelopment under the Township Ordinance. **Exhibit A-8** Impervious Coverage dated June 11, 2013. The proposed has no regulated activities impacting NJDEP Freshwater Wetlands, Special Water Resource Protection Area, or the Flood Hazard Permit Area. The foot candle detail was not published since it is not designed to project light. However, the light intensity is adjustable and applicant has agreed to adjust the levels to those acceptable to Denville's standards.

Chr. Maffei opened to the board professionals.

Jim Coe, PE commented on not having the time to provide a full review of the revisions that the engineer responded. Stating that on the face of it, it would appear they have complied with Hatch Mott's requests. Mr.

Coe voiced concern regarding the paving and the sub base maximum vs. minimum being referenced. The applicant confirmed that they do not want to trigger storm water regulations.

Daniel N. Bloch, PP of Maser Consulting, PA (200 Valley Road, Suite 400, Mt. Arlington) was present, sworn under oath and accepted as a professional witness. Spoke to the five criteria to be satisfied. The sign dimensions of 9' 6" x 10' 8" for the existing sign and 9' 11" x 10' 5" for the proposed sign. The sign will not be overly bright with a static message and NO flashing messages. Messages to be displayed to the public. Public benefits for way finding for the students and general community. Will be used for special events, public shelter, emergency uses and voting. State of the art technology and superior to what exists today. Visually and functionally superior. Stating that a school is an inherently beneficial use. The timing of the lighting will be addressed to be consistent with the Township.

Andrew Hipolit, PP Maser Consulting, PA (Perryville III Corporate Park, 53 Frontage Road, Suite 120, Post Office Box 4017, Clinton) was present, sworn under oath and accepted as a professional witness. Spoke to his observations of the site. Stating that what is proposed is a safety application. Access of three driveways is against all traffic planning and regulations. Improve the safety and spoke to the other uses besides the school. Improve site circulation, buses, cars and pedestrians, parking in non-designated areas, conflicts of pedestrians and vehicles. Currently bus stacking in the front of the building on the opposite side of student parking causing pedestrians walking through the buses. Parking lot is fifty years old. Industry Standard is 9' x 18". Ordinance of 10' x 20" is inconsistent with the standard. Mr. Hipolit stated that all the proposed changes are to improve safety on the site.

Mr. Angowski entered a May 1, 2013 letter from the Department of Education, **Exhibit A-9** on the capital project being acceptable and a June 5, 2013 letter from the Department of Community Affairs (**Exhibit A-10**) regarding release for code enforcement.

Jim Coe, PE inquired about signage and Mr. Gallagher responded using **Exhibit A-11 C-1001**, Rev June 11, 2013 reflecting the Engineers recommendation to stagger the stop bars. Mr. Hipolit continued regarding the signs. Signed double traffic arrows, yes a sign could be added on the exit driveway north saying exit only.

Jason Kasler, PP had questions regarding the dimensions of the signage and it's width. The sign is 13' 5" in width. Mr. Kasler pointed out the existing is approximately 101 sq. ft. and the proposed is approximately 133 sq. ft. 13' 5" with an approximate 30% increase in the mass of the sign.

Chr. Maffei opened to members of the public.

Fran Dempsey (10 New Street) was present and previously sworn. Exit to Route 53 suggested along with right turn only off of Fox Hill Road. Shut off time to be determined and the applicant previously agreed to work with the township. Silver, Amber and Emergency alerts should have the ability to be left on overnight.

Mike Battaglino (58 Fox Hill Road) was present and sworn under oath. Mr. Battaglino inquired about the parking. The applicant responded that the parking spaces are safer than parking in aisles. Stating that the traffic isn't increasing as the size of the building isn't being increased.

Dennis Carey (1 Thompson Road) inquired about the use of the parking lot by underclassmen. Mr. Moffit responded that some juniors are allowed, no freshman or sophomores. Voicing the largest concern is traffic and not signage.

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

Chr. Maffei opened to the board members.

Mbr. Schmitt spoke to the sign providing public information and being a good thing. Overall the application has a lot of merit and benefit to the town. Having taken into consideration the members of the public, the traffic is beyond the applicant's control.

Mbr. Golinski thanked the applicant for their efforts in improving the situation and inquired about retention and sign height. The applicant responded that the removal of the basketball court with the intention to reduce runoff.

Mbr. Nienstadt voiced appreciation for the applicant's efforts and commented that it would be great if the Township reached out to NJDOT and NJ Transit regarding the railroad crossing.

Mbr. Buie concurred with fellow board members and voiced that the public feels the school isn't being a good neighbor. Suggesting no parking during school hours signs may serve as a deterrent. Mbr. Buie thought the sign would not provide a lot of illumination and would be beneficial.

Mbr. London inquired about the turn being eliminated in the past and voiced concern about buses turning around. Mr. Hipolit responded that the NJDOT limits access, especially to buses on State Highways. Suggesting the applicant at least request this permission.

Mbr. Filauvo voiced concern about traffic, the sign size and commented on parking on Fox Hill Road. Mayor Andes commented on the parking restriction.

Mbr. Kuntz commented on the number of students on the buses and not being comfortable in not having the engineering response or categories 3 and 4 compliance in writing regarding these matters. Mbr. Kuntz voiced concern about the costs and the blacktop recommendation of the township engineer.

Mayor Andes voiced appreciation for the school wanting to make these improvements, agreed with the improved safety flow and inquired if there was anything further that could be done. The applicant responded that the options are limited. Mayor Andes did not have object to the sign and commented that these types of signs are a trend in getting information out. There was some discussion and exchange regarding smoking, prohibiting smoking, designated smoking areas and legal conduct.

Chr. Maffei referenced the cleaning of the culvert and commented on the traffic. Applicant agreed that this could be done but the Mayor or Township Engineer would get a better result. Mbr. Maffei suggested on working with the neighbors and opening a dialogue with the members of the public. The applicant stated that they would be happy to continue.

Ed Buzak, Esq. made some inquiries and closing comments before summarizing. Some of the conditions were as follows: Applicant's willingness to discuss some type of pocket park, Planting of replacement trees at 2 for 1, Email blast on conduct and parking, Timer on outside lighting, Existing sign to have auto dimmer, no flashing, no advertising, Shut off for sign to be determined, Work with township for replacement playground township to maintain, Provision for school to discourage smoking, despite the limitation of enforcement, NDEP letter of non-applicability, Fire lanes approval from Fire Department and delineation,

A motion to approve the proposed project with conditions, was made by Mbr. Buie, seconded by Mbr. Nienstadt and unanimously approved by all Members present and able to vote.

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

## **NEW BUSINESS**

Chr. Maffei referenced correspondence from Richard Clemack, Esq. regarding the Orchard Street, LLC extension request. Ed Buzak, Esq. stated that they have protections through their final approval through November 2012. The applicant is allowed three one year extensions. They have already obtained one extension in April 2012 and is now seeking another one year extension. A vote is required by the board to consider approving another extension. Mbr. Kuntz requested history. As it was late, this matter was deferred to the next meeting.

## **ADJOURNMENT**

Motion to adjourn.

Denean Probasco, Board Secretary

Date Approved: December 11, 2013