

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

July 24, 2013

The Planning Board of the Township of Denville held its regular meeting on Wednesday, July 24, 2013. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:35 P.M. Chairperson Maffei presided.

Acting Secretary Bowditch read Notice of Public Meeting.

Roll Call: **Present** – Chr. Louis Maffei, Vice Chr. Glenn Buie, Mayor Thomas Andes, Christopher Golinski, Marilyn Kuntz, Peter Nienstadt, Mark London, Kurt Schmitt
 Absent – Sue Filauro
 Professionals present – Tiena Cofoni, Esq., John Ruschke, PE, Jason Kasler, PP

Chairperson Maffei announced that ordinance #19-13 Denville Land Use Ordinance Control the location of Hotels has been removed from the agenda.

CORRESPONDENCE
NONE

PURCHASING

Motion to pay vouchers submitted by Buzak Law Group (dated July 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.

PROFESSIONAL COMMENTS

Mr. Ruschke confirmed the Riverside Drive demolitions are progressing. The Township has purchased 8 of the 11 homes. There is a concept plan being prepared by Rutgers for a small natural pocket park with a rain garden once all homes are demolished.

Mr. Ruschke confirmed the Construction Official has placed a 'Stop Work' notice one the new home on Highland Trail. There are a few items, i.e. silt fencing, proper footings, which need to be satisfied before the developer can continue.

The Township received a grant from NJ Department of Transportation for improvements to the downtown area. Phase1 will address changes on Broadway from Diamond Spring Road to First Ave and include removal of the cobra-style street lighting, replacing a four foot wide strip of sidewalk with decorative pavers, and uniformly landscaping the area. There is a plan to change the existing ordinance for repairing sidewalks to require the same pattern and blocks to be used, which caused a concern that pavers may change over the years.

RESOLUTIONS
NONE

PUBLIC HEARINGS

#17-13:

**Denville Land Use Ordinance
Implementation of Estling Lake Rehabilitation Plan**

Mayor Andes stated during his time in office many developers have approached him wanted to develop luxury apartments within Denville. Many projects were either too dense or too high. The developer of the proposed project is willing to remediate the contamination on the site and remove the rundown building, They have proposed 100 units in buildings the same height as a single-family home - 2 ½ stories. This is the next step in the rehabilitation of this property – the ordinance was introduced by the Township Council and it is now at the Planning Board to determine consistency with the Master Plan.

Mr. Kasler explained the ordinance is not consistent with the Master Plan, so the decision would be if the ordinance effectuates the goals and objectives of the Master Plan. He listed the permitted uses in the industrial zone, stating that commercial uses would not be keeping with the surrounding area. He then

presented "Rehabilitation of 30 Estling Lake Road" power point presentation (pages 33 – 49) attached to these minutes. He reviewed items associated with this proposed ordinance and he believes would fulfill a number of the goals and objectives of the Master Plan. He mathematically compared the proposed ordinance with what could be built following the R-3 zone requirements (3- and 4- bedroom single-family homes) with regard to the density and number of trips generated. Drawings of the proposed site plan and architectural rendering were provided by the developer.

The proposed ordinance will be compliant with COAH's 20% set aside regulations as there is a 1.33% bonus for each COAH unit within an area designated for rehabilitation. These units will be non-age restricted.

Chr. Maffei opened it to the public.

Tiena explained the standards set forth in the ordinance cannot change, but how those standards are satisfied may change at site plan review. This is a consistency hearing only and if the ordinance is adopted there would be a public hearing for site plan approval. The site plan would be a variance free application, but there would still be items the applicant would need to address. The ordinance has been drafted in such a way that the town feels would ensure the proper development is constructed.

Public comments:

Richard Price (Camp 12, Estling Lake Rd, Denville) – President of the Estling Lake Corporation was sworn in. He noted that Estling Lake Corporation has never been notified of prior meetings even though their property abuts the site. The Estling Lake Corporation was concerned with storm water drainage from the site, which can be addressed at site plan approval, and with security of their properties, including trespassing, especially during the winter months.

Beverly Dubay (Camp 60, Estling Lake Rd, Denville) confirmed both single-family as well as multi-family homes can be built on the property.

Margaret Whitlock (Camp 35, Estling Lake Rd, Denville) asked if there would be enough parking on site as she is concerned about possible parking along Estling Lake Road. The Residential Site Improvement Standard (RSIS) for parking is calculated by the number of homes built and number of bedrooms. She questioned the estimated number of school children and confirmed no units will be age-restricted.

Marsha Shran (Camp 44, Estling Lake Rd) read a letter composed by her son Adam, which detailed concerns about traffic and public safety, site remediation and the proposed density of the site.

Mr. Ruschke confirmed there are active discussions with NJ Transit for emergency access and implementation of emergency plans.

Katherine Valentino (43 Estling Lake Road, Camps 11 & 53, Estling Lake, Denville) asked if a traffic study would be done while the 64 summer homes are occupied. She confirmed the Township will seek a waiver from COAH regarding the bedroom type and questioned the 24 square foot sign allowed in the proposed ordinance. She read a prepared statement referencing the current zoning laws and what she believed was extreme overuse and extreme density of the property as well as accessibility to the site.

Bruce Whitlock (Camp 35, Estling Lake Rd) commented on the flora and fauna that may be on the property and on the solvents used when this was a cabinet factory. He confirmed the proposed maximum impervious coverage of 65% included the buildings and pavement. He believed the increased number of vehicles would also affect the commuting traffic along Route 53.

Close public portion.

Mbr. London confirmed the sign would have only external illumination. He encouraged the developer to use alternate energy sources like solar or wind power and have many of the 1-bedroom units on the ground floor, which is how it has been designed. If single family homes were built, the developer would then follow the R-3 zoning regulations. Mbr. London was concerned about residents storing RV's on the property. Mr. Kasler did not believe they would be allowed "as of right". Mbr. London confirmed any site plan approval would require NJ DEP approvals for wetlands on the property as well as any and all other required approvals. Mbr. London stated this site was listed as a known contaminated site. An NJ DEP licensed site remediation inspector would ensure all contamination is removed per regulations, which are stricter for residential sites than they are for manufacturing/industrial sites. He confirmed the Township would not be liable for remediation should this plan be approved but not developed as long as title is not acquired by the Township.

Mbr. Kuntz confirmed the size of the patio/terrace would be determined by the impervious coverage requirement including building coverage of maximum 65%. The wetlands reduce the developable area of this property. The Planning Board is effectively creating a Master Plan for this property and should the ordinance pass the developer would have to submit an application to the Board for site plan approval. She asked if a traffic study could be done when summer residents are there.

Mayor Andes believed traffic patterns are different throughout the entire year - summer residents, school in session, peak vacation time. He made a statement that this site could remain an industrial zone as the

State of NJ is encouraging industry along the railroad line; remain as is and continue to deteriorate; be developed as proposed residential with the remediation being done by the developer or foreclosed on taxes and the remediation would become the Township's responsibility. A park was not an option as the property abuts the railroad tracks and the Township cannot obtain grant money due to there being a building and contamination on site.

Mbr. Schmitt confirmed the ordinance is for this site only. He asked for the definition of Garden and Mid-Rise apartments and for the RSIS parking space requirement would be for each. He asked if there were size requirements for each unit and stated he was concerned about the number of units being proposed. He confirmed the developer would have a very high burden justifying a variance, if requested and would only be sent to the Board of Adjustment if they were requesting a Use variance.

Mbr. Golinski believed the Township had the following choices for this property – do nothing and hope a manufacturing facility purchases the property, cleans up contamination and pays all taxes; do nothing and foreclose on the property, in which case the Township accepts the burden of remediation, causing a tax burden or allow for residential, which would decrease the existing impervious coverage, comply with current storm water regulations, and have a stricter requirement for remediation. He believed there is a need for this type of development as there are current residents wanting to downsize but stay in Denville.

Mbr. Nienstadt confirmed the industrial zone would be eliminated if the ordinance is adopted but the site is not developed. He confirmed NJ Transit is not willing at this time to renovate or upgrade the existing Denville Train Station, but the Township is still in discussions about emergency access.

Mbr. Buie was concerned about making the ordinance specific to one developer, about the actual amount of contamination on site, including possible silt and erosion, and about sewer capability. He suggested the current zoning be allowed as a permitted use of this property. He was concerned about the traffic and the density proposed on this site. He believed the proposed setbacks should be adjusted, especially abutting the railroad tracks. He confirmed the 25% minimum open space requirement includes wetlands and all other open space and the property would not be dedicated to the Township. Parking is regulated by RSIS and did want overflow parking on the street.

Chr. Maffei was concerned about the traffic and emergency access and asked how residents would get to the Denville Train Station. He suggested requiring sidewalks in the ordinance. He would like to encourage NJ Transit to clean up the Denville Train Station. He believed this site is probably best served by allowing the higher density proposed in the ordinance because of the remediation required. He believes there is more contamination on site than what is currently known. He would not like to see industrial use of this site because of truck traffic and believed the proposed buildings fit with neighborhood.

Mbr. London remembers the smell of solvents and the leaking drums from the old manufacturing plant and stated the site needs to be cleaned. This would be a good way to get it accomplished.

Mayor Andes stated all developers have approached him with luxury apartment, not industrial, proposals and all have asked for more density.

Chr. Maffei asked how soon the cars would be removed, which would depend on the agreement between the car company and the current property owner.

Mbr. Kuntz confirmed the developer would be purchasing the property from the current owner and asked why the urgency to adopt this ordinance. Mbr. Golinski stated there was a great opportunity and if the Township would wait too long, the developer would find another location.

A motion that the Ordinance #17-13 effectuates the goals and objectives of the Master Plan and asks the Township Council to consider the following items was made by Mbr. London and seconded by Mbr. Buie.

1. Permit Alternate energy
2. No electric signs
3. Enhanced parking requirements
4. Enhanced Setback requirements
5. Access i.e. sidewalks, pathways
6. Emergency access

Ayes: London, Buie, Kuntz, Nienstadt, Golinski, Andes, Maffei

OLD / NEW BUSINESS
NONE

ADJOURNMENT
Motion to adjourn.