

TOWNSHIP OF DENVILLE  
PLANNING BOARD  
MINUTES

**October 9, 2013**

The Planning Board of the Township of Denville held its regular meeting on Wednesday, October 9, 2013. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place. Vice Chairperson Buie presided.

**Acting Secretary Probasco read Notice of Public Meeting.**

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

**PURCHASING**

Motion to pay vouchers submitted by Kasler Associates (dated September 2, 2013 and September 30, 2013) subject to the availability of funds, was made by Mbr. Filauro, seconded by Mbr. Schmitt and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by Hatch Mott MacDonald (dated September 3, 2013) subject to the availability of funds, was made by Mbr. London, seconded by Mbr. Kuntz and unanimously approved by all Members present and able to vote.

Motion to pay vouchers submitted by The Buzak Law Group (dated September 15, 2013) subject to the availability of funds, was made by Mbr. London, seconded by Mbr. Filauro and unanimously approved by all Members present and able to vote.

**RESOLUTIONS**

**PSP/FSPV 08-04:       19 Elcock Avenue, LLC  
                              Block 50410, Lot 11 & 12  
                              Orchard & Clark Streets**

Motion to approve the resolution of approval was made by Mbr. Andes, seconded by Mbr. Buie and unanimously approved by all Members present and able to vote.

**ROLL CALL:**   Ayes   Andes, Buie

**PUBLIC HEARINGS**

**PSP/FSPV 13-06:       Reinertsen Motor Car Co., LLC (Fiat)  
                              Block 30609, Lot 1  
                              295 Route 53**

Tiena Cofoni, Esq. referenced that there were two issues with the applicant's legal notice. The Tax Assessor's 200' list was beyond the 90 day expiration and one mailing address included the incorrect zip code. Stating that the applicant's attorney had gone through the public tax records online and determined that there have been no changes of address or ownership. Additionally, the applicant has confirmed through U.S.P.S that despite the incorrect zip code, it was correctly mailed to the recipient. The board attorney advised the board to proceed with the hearing with the condition that the applicant obtain an updated 200' list. Should there be any changes, the applicant would be required to renotice and have a new hearing.

Seth Dobbs, Esq. of Margolis Dobbs, LLC representing the applicant. Applicant is seeking preliminary/final site plan approval to construct site improvements requiring 'C' bulk variance relief for freestanding sign and signage quantity.

John Manilio, PE of Redcom Design & Construction (137 Elmer Street, Westfield) was present, sworn under oath and accepted as a professional witness. Provided an overview using Cover Sheet entered as Exhibit A-1 – Site Plan of Existing and Proposed Signage dated August 22, 2013 with no revisions. Same as what was submitted to the board with the application. Exhibit A-2 – Elevations, dated May 2, 2013 and Exhibit A-3 – Detail of Freestanding Sign, dated May 2, 2013.

Two signs existing and one to be replaced. Ordinance allows for three signs with a total of four proposed. Two signs on the building with one proposed to remain. The proposed sign on the middle of the building to read Morris County. All signs combined will be below 2%, meeting the requirement of 10% façade but not meeting the quantity of signs. The existing is 4' tall and the new sign is 2' tall and both meet the 5' requirement. The existing freestanding sign is 7' 4" in height and 9' wide. The proposed freestanding sign is 8' tall x 2' 10" wide. Both existing and proposed comply with the township requirement of 13' wide and 25' tall. The setback for freestanding sign is 12' with the existing sign at 15' and the proposed sign setback of 17' 2". The square footage requirement is 1 sq. ft. per setback of the building. The building is setback 21.5' requiring a 21.5 sq. ft. The existing sign is 66 sq. ft. and the proposed would be 22.7 for a 43 sq. ft. reduction from the existing. With a 25' setback requirement, the current building setback is non-conforming at 21.6'. The red are the existing badges with the Morris County in the middle. The freestanding sign will be silver/grey in color with the FIAT logo on top.

Acting Chr. Buie opened to the professionals.

John Ruschke, PE inquired about the proposed sign being so close by almost 4.5" instead of the variance just by lowering the pedestal. Mr. Manilio responded open to burying the bottom. Franchises have standard sizes. Any deviation would require a custom sign design.

Jason Kasler, PP had no questions and commented on the application being straightforward.

Mark Venis (29 Manor Road) was present and sworn under oath. Spoke to being a gracious neighbor. The only one maintaining the sidewalk during snowstorms. Inquired about the sign being lit. Mr. Manilio responded yes it would be lit at night but black during the day. The new sign would be 1.5' further than the existing. Mr. Venis stated he didn't see it ruining the integrity of the neighborhood

Loriann Sanchez (Manor Road) was present and sworn under oath. Ms. Sanchez stated that she was pleased about what the applicant proposed. Stating the property is well kept and that the applicant is a good neighbor. Ms. Sanchez voiced concern for the ambient lighting and referenced the credit union.

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

Jason Kasler, PP inquired about the distance of the freestanding sign to the parking area to allow for the overhang of the vehicle. Mr. Manilio responded 3'.

Acting Chr. Buie opened to the board members.

Mbr. London inquired about the illumination. Mr. Manilio responded the two badges are internally illuminated. The top portion of the freestanding is illuminated. It can be on timer (one hour after closing). Mbr. Filauro commented on the overkill of signage and inquired about the FIAT in the plate glass window. Applicant would remove if approved for the freestanding sign. The majority of the lights are on timers but some stay on for security lighting.

Mbr. Kuntz inquired about the need for the Morris County sign. Mr. Manilio stated it's a motor vehicle commission requirement to have the name of the dealer on the building itself. The freestanding sign is a franchise requirement.

Mayor Andes inquired about the Morris County intensity. Mr. Manilio confirmed it will be the same voltage and similar wattage to the existing.

Mbr. Schmitt commented on the pylon sign being small and similar to a door. Under the light considerably. Stating the application is a good application and one that could be endorsed.

Acting Chr. Buie agreed with Mbr. Schmitt. Commenting that the signs are first class and the banners should be removed as it detracts from the nice signs.

A resolution of approval would include that the remaining signs would need to comply with the ordinances of the town. The hours of operations will vary. Monday through Thursday open 9 am to 9 pm, Friday open 9 am to 6 pm and Saturday 9 am to 5 pm. The lights will be off at 10 pm.

Tiena Cofoni, Esq. provided a summary of the conditions. Which included but were not limited to; legal notice issue, applicant to provide current list from tax assessor, must comply with signage ordinance, all lighting off by 10 pm, temporary signage in windows facing Route 53 to be removed, Township Engineer to inspect the freestanding sign for illumination.

Motion to approve the application with conditions 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, Schmitt, Andes, Buie

## **EXTENSIONS**

**MPV 08-03: Glenmont Commons Developers, LLC  
Casterline Road  
Block 10002, Lot 3**

Joseph O'Neil, Esq. represented the applicant, Glenmont Commons Developers, LLC. Applicant is requesting an extension of approval. Still seeking approval for outside regulatory approvals required for the sewer extension. Beyond the applicants control. This would be the second one year extension.

Acting Chr. Buie opened to professionals.

John Ruschke, PE had none.  
Jason Kasler, PP had none.

Acting Chr. Buie opened to the board members.

Mbr. Kuntz inquired about the delay. Mr. O'Neil stated the approval process has been restarted, they were awaiting a decision to be rendered and it was not anticipated by December. The issue being strictly the sewer connection.

Mr. Ruschke confirmed that the water management from Denville and Parsippany is through the NJDEP and commented that it wasn't a surprise that it was taking this long.

Mbr. London inquired about permitting. Mr. O'Neil confirmed all other permits were complete.

There were no other questions.

Tiena Cofoni, Esq. summarized the extension would be through December 9, 2014. Confirmed that the applicant is entitled to two one year extensions. Stating if not complete by December 2014 they could apply for final and extend their time.

Motion to approve this extension was made by Mbr. London, seconded by Mbr. Filauro and unanimously approved by all Members present and able to vote.

**ROLL CALL:** Ayes London, Filauro, Kuntz, Buie, Schmitt, Andes

#### **OLD BUSINESS**

Secretary Probasco referenced the billing format for Hatch Mott MacDonald had been changed to the satisfaction of Mbrs. Kuntz and Golinski.

#### **NEW BUSINESS**

Mbr. Kuntz commented on the trees in town coming down. Mayor Andes commented that the tree plantings would be completed by Memorial Day. Trees on Broadway varied in size and some were ugly. Economic development project has a beautification element. Tree sizes were hiding their businesses. The trees would be Purple Leaf Plum and Sargent Cherry. Mbr. Ruschke added the first phase of street lights Diamond Spring to First Streets. All trees at one time, scheduled for spring of next year. Planting in-house by DPW to save costs. There will be Five or Six phases from Bridge to the center of town.

Mbr. Filauro referenced Estling Lake Road as it relates to the trains and pedestrians between the gates being a concern. Mayor Andes stated he would bring the morning traffic to the attention of the police chief.

Mbr. London complimented Administration and referenced the Natural Resources Inventory with the Land Conservancy. Scheduling of meeting with the Green Team and Sustainability. All comments by November 15<sup>th</sup> from various boards, etc. on the draft maps. Planning Board to accept at a public meeting in January. This would require a public announcement for the quorums of everyone coming together.

Mayor Andes provided an update on the FEMA Buy-Outs. Stating that the Township closed on the 11<sup>th</sup> home on Riverside Drive two weeks ago. The utilities on houses 6 through 10 have been disconnected and will be down by Christmas. Rutgers University has designed a rain garden park. Various committees will be brought together after the New Year, headed up by Councilman Fitzpatrick.

Mbr. Filauro referenced the Pathways of History Museum Tour scheduled for the coming weekend.

#### **ADJOURNMENT**

Motion to adjourn.

Denean Probasco, Board Secretary

Date Approved: December 11, 2014