

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES

March 12, 2014

The Planning Board of the Township of Denville held its regular meeting on Wednesday, March 12, 2014. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:31 p.m. Chairperson Buie presided.

Secretary Probasco read Notice of Public Meeting.

Roll Call: **Present** – Chr. Glenn Buie, Vice Chr. Marilyn Kuntz, Mayor Thomas Andes, Sue Filauro, Mark London, Kurt Schmitt, Peter Nienstadt, Christopher Golinski, Lou Maffei,
 Absent – None
 Professionals present – Tiena Cofoni, Esq., John Ruschke, PE, Jason Kasler, PP

MINUTES

January 29, 2014

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

PURCHASING

Motion to pay vouchers submitted by **Kasler Associates** (dated February 3, 2014 and March 4, 2014) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Filauro and unanimously approved by a majority of Members present and able to vote.

Motion to pay vouchers submitted by **Hatch Mott MacDonald** (dated January 23, 2014 and February 24, 2014) subject to the availability of funds, was made by Mbr. London, seconded by Mbr. Maffei and approved by a majority of Members present and able to vote.

Motion to pay vouchers submitted by **The Buzak Law Group** (dated February 4, 2014) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Filauro and unanimously approved by a majority of Members present and able to vote.

Motion to pay vouchers submitted by **Mark London** (dated December 11, 2014) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Nienstadt and unanimously approved by a majority of Members present and able to vote.

For the record, the board recognized Mbr. Golinski at 7:35 p.m.

RESOLUTIONS

None.

PUBLIC HEARINGS

Chr. Buie addressed the members of the public and advised of the planning board's protocol. Explaining that the witnesses would testify, cross dialogue followed by professional and board members to question. The public would be at the end of all testimony and was advised to take notes.

Chr. Buie voiced disappointment regarding the variance as well as the current situation of the easement. Joseph O'Neil, Esq. spoke briefly regarding the NJ Transit easement and explained that it would be subject to the same type of restrictions as municipal sewer line easement.

**PSP/FSPV 13-07: Estling Village, LLC
 Block 30601, Lot 6
 30 Estling Lake Road**

This is the first public hearing for this application. It was rescheduled from January 29, 2014. The applicant is requesting preliminary and final site plan for a multi-family development and 'C' bulk variance relief for number of units per building.

Joseph A. O'Neil, Esq. of Garofalo & O'Neil (60 Baldwin Road, Parsippany) represented the applicant, Estling Village, LLC. Mr. O'Neill recognized that the rehabilitation zone was a special process. Stating

that the variance being requested is due to the configuration of the buildings and the reason for the deviation would be explained in detail during tonight's testimony.

All witnesses were sworn under oath at the same time. Joseph O'Neill called his first witness.

Eric Keller, PE of Omland Engineering (54 Horsehill Road, Suite 210, Cedar Knolls) was present, previously sworn under oath and accepted as a professional witness. Mr. Keller entered **Exhibit A-1, Existing Conditions**, dated March 12, 2014. Block 30601, Lot 6 containing approximately 6.3 acres located along northerly side of Estling Lake Road. Eric Keller, PE provided an overview of the site which contains 58% impervious coverage with building and another 12% of compacted gravel area on west side of the building. All existing improvements will be demolished as result of the development of this property. The building is setback approximately 15' from the rear property line, along the railroad. The building is 35' from the pavement of Estling Lake Road. Estling Lake Road has stop sign control at Thurmont. Wetland delineations were approved by NJDEP. Licensed LSRP Site Remediation Professional has been retained to monitor according with NJDEP regulations.

Entered **Exhibit A-2, Estling Village Site Plan Rendering**, colorized dated March 10, 2014. As per the Rehabilitation Zone, the proposed development is for 100 apartments in twelve buildings. There are five units in a building and the larger buildings are two units put together. There are eight buildings of ten units requiring variance relief. The ordinance for the Rehabilitation Area specified eight units per building. There are 15 Affordable Housing Units are proposed. There will be no differentiation between affordable and market. The units will be incorporated throughout. Forty 1 bedroom units and sixty 2 bedroom units are proposed. Community center and clubhouse with an onsite manager seven days a week and a leasing agent located in the clubhouse five days a week.

For each five unit apartment cluster there are five garages for a total of 60 garages. There are four accessory structures with eight garages each for an additional thirty-two garage units. Structure will provide a buffer between the existing and proposed community. Six of the garages have driveways to accommodate parked vehicles. Ninety-four non-enclosed surface parking spaces are scattered throughout the community for residents and visitors. Trash and recycling will be provided by a carter to be arranged and provided by the owner of the property. In accordance with the zoning, no dumpsters or containers are proposed. Space within the garages to store the refuse. Every five units will have (7 locations) four exterior enclosed areas for trash for the residents. Driveways, stone walls and paver treatment. Secondary access point at the western end of the development along Estling Lake Road. Under the Residential Site Improvement Standards (RSIS) there are multi-family access courts are to provide access to the garages for the residents and do not require turnaround.

Entered **Exhibit A-3, Estling Village Fire Truck Turning Plan**, dated March 11, 2014 was shown to demonstrate there is adequate space for emergency vehicles. Activities during moving trucks will be coordinated by site manager and leasing agent. Referred to **Exhibit A-2** referencing the pedestrian walkway system is in compliance with RSIS. Referenced the center line radius at several locations, not being a residential access street but a parking area. Center line radius standards do not apply to a parking area. Stating the geometry of the roadway is adequate to accommodate the largest vehicle by design.

Proposed widening to approximately 14' for the half width of the northern part of Estling Lake Road. Granite block curbing along the north side of Estling Lake Road and full depth pavement. Milling pavement with replacement of 2" thick new pavement from the Eastern boundary line to where it ties in to the western. In addition to curbing there will be a replacement of drainage. Current discharge to the wetlands area will continue to the same location. Testifying that all other aspects are consistent with the Rehabilitation Area Zoning requirements.

Retaining walls will only be visible to the railroad tracks but not the community. Protection barrier along the walls for pedestrians and vehicles. Impervious coverage will be slightly over 60% and 12% is hard packed gravel to be removed increasing percolation and lessening runoff from the site. Referenced the 2, 10 and 100 year storms as it relates to runoff and the increased groundwater recharge. Proposed improvements to the three components; quantity, quality and recharge. Proposed development will provide for run-off treatment that doesn't currently exist.

All buildings will have a sprinkler system. Three hydrants, one far western end, one in the middle and one by the accessory garage on the east end. Different locations recommended by fire department. Four hydrants in the area. Will work with the fire department to relocate. Sanitary sewer for the project was referenced. Referred to **Exhibit A-1** and the westernmost portion of the property where it crosses the NJ Transit tracks. Municipal sewer line exists and would be extended. Mr. Keller stated that as an engineer, easements and improvements have been put in NJ Transit ROW's before on other projects through similar agreements.

Spoke to the decorative 'acorn' glass globe fixtures on 12' poles. Referenced optic patterns on the lighting plan are used for illumination on parking, walkways and court yards. Landscaping plan has a total of 32 shade trees, 62 ornamental trees, 12 evergreen trees, 865 shrubs, 44 perennials and ornamental grasses. There is a proposed sign that will be externally illuminated. It will be mounted outside the retaining wall in accordance with the zoning criteria but detail not provided at this time.

Eric Keller, PE referenced engineer's report of January 7, 2014 and responded to various items within the report. Restating that the originally proposed 6" water line has been changed to 4". Spoke to Item #8 sight distance and low speed traffic movements, deferred to architect on Item #9. Responded to Item #10 stating that it is the ultimate design and nothing more that can be done at that location. Applicant agreed to all remaining items in the report. Mr. Keller referenced the March 7, 2014 planning report. Stating they believe they are in compliance with RSIS and no hydrants are further than 400'. Only the locations are yet to be finalized with Fire Chief, otherwise all sufficient. Trash storage to be removed by employees manually from

the court yards to the trucks. The court yards are compliant with RSIS standards and do not require turnarounds. Lighting plan to be revised to .5 foot candles. One sign to have external illumination and will be properly shielded. Mr. Keller stated that nothing in the design to limit lighting and left it to the board if a waiver was required as ordinance interpretation is unclear. Referenced bollard lighting will be in critical portions but not every area since its residential and not a commercial property. Walkways adjacent to roadways will be illuminated by the lights and it will be safe and secure for pedestrians.

Chr. Buie opened to board professionals.

John Ruschke, PE inquired about soil remediation. Eric Keller, PE responded he wasn't responsible and that the details of the remediation were unknown to known. LSRP will comply with all NJDEP regulations. The board engineer referenced the fire department wanted a Knox-Box at club house, and red light over sprinkler connections. Applicant agreed to both. Mr. Ruschke referenced hydrants may be required for proper flushing. Mr. Keller agreed to working with the engineer and water department on design along with the 6" services being reduced to 4" service. Mr. Keller agreed that it would be handled at building permit stage. Fire protection design of the buildings does not exist yet but applicant agreed to comply. Mr. Ruschke referenced the 4" main being sizeable as it relates to a need to flushing of line for operator. Mr. Keller stated could be addressed appropriately to the satisfaction at the time of the building department. The board engineer referenced the MCPB consideration of the sidewalk from the development to the railroad crossing to ensure safe pedestrian access. The applicants engineer responded to the limitations of the existing conditions of the regulated areas, road striping if appropriate and left it to the traffic engineer. John Ruschke, PE referenced the lease agreement being left open for NJ Transit to move. Joseph O'Neil, Esq. responded that the applicant does not agree with Mr. Ruschke's characterization of the agreement. There was a brief discussion of the termination of the lease agreement. Mr. Ruschke clarified that NJ Transit has an option to terminate the lease. Mr. O'Neil stated that if it occurred, a new lease would need to be re-negotiated.

Jason Kasler, PP inquired about the 15 affordable housing units on the plan. Applicant to supply location of the affordable housing units, the fire turning radius and mounted sign. Mr. Kasler inquired about the coordination of moving times. The applicant's attorney responded would be addressed by another witness. Mr. Kasler inquired about the trash truck being left on Price Court. Mr. Keller confirmed that the trash would be brought from the buildings to the truck. Mr. Kasler inquired about the fire hydrant on the Estling Lake Road alleviating his comment. Mr. Keller responded it was just west of the driveway for Lot 9. The board planner agreed with Mr. Keller if the board agrees. Mr. Kasler commented on liking the bollard lighting as it relates to deliveries funneling through the clubhouse and the courtyard lighting being necessary. Jason Kasler, PP inquired about clubhouse hours. Eric Keller, PE deferred to others.

Chr. Buie announced a break at 8:47 and the meeting recommenced at 9:02 p.m.

Craig Peregoy, PE of Staigar & Peregoy, LLC was present, previously sworn under oath and accepted as a professional witness. Mr. Peregoy provided an overview of the February 17, 2014 Traffic Impact Analysis report. The analysis was based upon peak traffic hours, volume and existing traffic counts projecting future traffic volumes based upon the proposed development. The traffic was based upon car vehicles and not by passengers taking the train. Stating that there would be slightly higher traffic volumes if the existing factory were to be in operation than the proposed development. Referenced the homes being unoccupied during the period of evaluation. Stating the trip generation was used as if these single family homes were occupied all year round instead of as vacation homes. Testifying to acceptable levels of service with the signalized intersection, D is the design service. Referenced the volume, D or better is preferred. The rail crossing being between 1.5 and 3 minutes approximately four times per hour maximum for the train schedule for a total of 12 minutes per hour, compared to the traffic signal being red 15 minutes per hour.

Chr. Buie opened to the board professionals.

John Ruschke, PE inquired if Mr. Peregoy had safety issues or other concerns having the railroad crossing the sole access to this neighborhood. Mr. Peregoy stated there were no long term issues in the rail corridor that would be a concern for this neighborhood. Mr. Ruschke inquired about any options to convey pedestrian traffic more safely. Mr. Peregoy deferred to others.

Jason Kasler, PP inquired about onsite movement. Mr. Peregoy stated primarily offsite movement was considered.

Joseph O'Neil, Esq. called his next witness.

Joseph Forgione, founding Principal of JMK Properties (54 Horsehill Road, Suite 210, Cedar Knolls) was present and remained under oath. Mr. Forgione spoke to being approached by CB Richard Ellis. Spoke to working on this for several years and how the project has evolved. Testified to JMK having owned and developed all the properties themselves. Stating that this 100 unit product was developed specifically for the site. Referenced the number of 100 units, the market and interest in renting. Spoke to the demand of one bedroom apartment rentals and high end finishes. Entered **Exhibit A-2** and the landscaped courtyards and low voltage lighting. Outdoor closets will house the water meters, gas meters and trash cans. The mailboxes will all be centrally located in the clubhouse. The clubhouse will be open 24 hours and accessible by Fab to residents. Clubhouse open to public five days a week for 9 hours a day and two days a week for 4 hours a day for deliveries. Onsite management 24 hours per day. Clubhouse will have a fitness center and bike share program. Sidewalk has dark area by the rail that possibly JCP&L can add a light. Also stripe a 2' walk from the property line to Estling Lake for the safety of pedestrians and bike riders. Spoke to wet area making 'Kiss-n-Ride' or a sidewalk possible. A quiet zone to completely block the railroad and have no whistle would cost \$20 million dollars. Mr. Forgione spoke briefly about the sewer easement and stated he was waiting to hear back from NJ Transit. Stated other

projects and locations are in the railroad right of way, using the same sewer license. Mr. Forgione had no knowledge of NJ Transit ever having cancelled this type of license and provided assurances that he is making every effort to make an agreement with the lake community.

Mr. Forgione testified to a Hot Spot having been identified with 200 cubic yards of contaminated soil. A well will be installed to continue testing after soil removal to verify that this is the correct source of contamination. Asbestos has been removed. Building to be demolished. Will remove the septic beneath the building. Will verify no further contamination beneath the building. Seventy two test holes in the slab have already been performed to determine initial results. Tests on the concrete have been performed to confirm that there is no contamination. Entered **Exhibit A-4 – Rendering of Two Fronts of the Building** and **Exhibit A-5 - Colorized Side Elevations of the Building**. Affordable units are all one bedrooms. The Clubhouse will have a manager's office on the second floor. Spoke to the vacancies of 3% national average. Joseph O'Neil, Esq. inquired about den versus a bedroom. Joe Forgione stated it was to remain open and designed for the work-from-home internet guy. All units have washers and dryers. Will speak to the architect about possible relocation from the top of the stairs. Mr. O'Neil referenced the venting of the bathrooms not having windows. Mr. Forgione stated may be a half-bath only but wasn't sure.

Chr. Buie opened to the board professionals.

John Ruschke, PE had none.

Jason Kasler, PP inquired about the frequency and coordination of move-ins. Mr. Forgione explained that there would be a phased approach of building. Model of each 1 and 2 bedroom units during leasing. Construction of no more than 20 units at a time, loans and Certificates of Occupancy will be phased. Five, Five, Ten and Ten. Mr. Kasler inquired about re-rentals. Mr. Forgione spoke to the turnover of rentals, explaining that these are not transients. Leases are typically two and three year rentals. A leasing agent manages the moves. The board planner inquired about the well for the hot spot being permanent. Joe Forgione confirmed, responding to natural attenuation, typically a two year with a final location will turn up on the as-built survey. Jason Kasler, PP inquired about the window seat and generators. Mr. Forgione explained the boxed area is just an architectural feature and that no generators are proposed.

John Ruschke, PE inquired about sequence of the construction, as it relates of phasing of the building and the development. Joe Forgione responded that it's a sequence of leasing and not a sequence of construction. Stating that all the site work will be performed at once and that the garages and foundations will serve as retaining walls. All site clean-up and remediation will be performed to RSIS. Vapor barriers may be installed for insurance regulations.

Chr. Buie asked if there would be more testimony. Joseph O'Neil, Esq. confirmed there was and called Mr. Hamilton.

William Hamilton, PP of Omland Engineering (54 Horsehill Road, Suite 210, Cedar Knolls) was present, previously sworn under oath and accepted as a professional witness. Mr. Hamilton testified to the variance relief requested. Entering **Exhibit A-6 – Denville Township Apartments Drawing**, dated September 9, 2012. Mr. Hamilton spoke to the number of the buildings, the reasons for the reduction of the development area, the LOI and modification of the units. Instead of seven 10 unit buildings there is now eight and instead of the six 5 unit buildings there is now four. Spoke to the difficulties of going from a ten unit building to an eight unit building and not having a significant decrease in the footprint of the building. Testified to incorporating the 16 units in another way. Alternatives of detached garages, elimination of the number of buildings, elimination of the garages, changes in the number of the buildings, number of the units, etc. Stating it's required to produce the desired product. Referenced the C2 variance as it relates to the required proofs, spoke to the detriment, promotion of general welfare, and public good. More pervious than alternate development plan. Public sewer was referenced as being a significant improvement, the widening of the road, resurfacing of the road as a promotion of public welfare and safety. Stormwater management will be a great improvement as none exists today. Providing a desirable visual environment. Benefit and improvement to the environment. Mix of the layout of five and ten unit buildings to better match the neighborhood. Attached garages being a benefit to provide better aesthetics along with buffering to the railroad. Impact to the neighborhood not being significant with the change in building units. Less traffic impact than the previous use on the site. In closing, Mr. Hamilton stated that the deviation is minor and that all other bulk requirements have been met.

Chr. Buie opened to the board professionals.

Jason Kasler, PP had a few questions regarding the A-6 concept plan. Mr. Hamilton stated that the chart reflects a total of 10 homes. Spoke to the parking calculations. Stating that it was always the intention to have 100 units over the 1.5 years of discussions. Jason Kasler asked if the applicant was testifying that the building size would remain the same for an 8 or 10 unit building. William Hamilton, PP confirmed, yes as long as they have garages.

Chr. Buie inquired if Mr. O'Neil had another witness with 15 minutes of testimony and suggested it might be a good time to stop. Joseph O'Neil, Esq. stated he had one more question for William Hamilton, PP. Inquiring about how the number of 8 units was generated per building. Mr. Hamilton responded that it

would be appropriate to ask the Township Planner. Stating that during a meeting, Mr. Kasler had counted the sidewalks to the buildings to determine how many units were appropriate.

Chr. Buie inquired if anyone had reviewed the requirement prior to approval by Council. Mr. O'Neil conferred with his client and stated that the applicant and professionals never saw a requirement for 8 units per building prior to the adoption of the ordinance.

Chr. Buie announced that the hearing for this application would be carried to April 9, 2014 without further notice. Joseph O'Neil stated that an extension of time was provided through April 30, 2014.

OLD BUSINESS

Chr. Buie referenced the bus tour and inquired about a status. For members who may not be familiar, Jason Kasler explained that the bus tour was to visit various sites from prior approvals. Mayor Andes stated it was a combination of the planning board, zoning board and council members. Mbr. Filauo mentioned a large home with an entrance off of Savage Road that overlooks George Street. Stating that they used the entrance to the dwelling as a back door instead of the front. The Planning Board sees the footprint only. Chr. Buie stated he knows the home and it's almost across from Morris Catholic.

Mbr. London provided an update on the ERI being finalized in the near future. With the intention of having the Planning Board comment in April. Jason Kasler stated that he thought Planning Board approval was required to get points for Sustainable New Jersey.

NEW BUSINESS

Jason Kasler, PP referenced COAH developments and stated that in the near future there should be some direction. Mayor Andes asked the board planner to provide a brief update on the Master Plan. Jason Kasler stated that the plan for updating the Master Plan was sub-committees formulation for the goals and objectives around summertime. With public hearings beginning in 2015.

ADJOURNMENT AT 10:36 PM

Denean Probasco, Board Secretary

Date Approved: April 9, 2014

Exhibits Listing

Exhibit A-1- Existing Conditions, dated March 12, 2014

Exhibit A-2 - Entered Exhibit A-2, Estling Village Site Plan Rendering, colorized dated March 10, 2014

Exhibit A-3, Estling Village Fire Truck Turning Plan, dated March 11, 2013? Or 2014?

Exhibit A-4 – Rendering of Two Fronts of the Building

Exhibit A-5 – Colorized Side Elevations of the Building

Exhibit A-6 – Denville Township Apartments Drawing, dated September 9, 2012