

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES
May 28, 2014

The Planning Board of the Township of Denville held a **special** meeting on Wednesday, May 28, 2014. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:01 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 – Edward J. Buzak, Esq., John Ruschke, PE, Jason Kasler, PP

PUBLIC HEARINGS

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

This is the fourth public hearing for this applicant. With prior hearings held on March 12th, April 9th and April 30, 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.

Chr. Buie asked for any new information be presented before continuing with the board comments.

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 provided a brief description of the proposed signage, using **Exhibit A-7 – Sign Detail**. The 18" x 24" sign will be mounted on the westerly side of the stone wall that will be located on the entrance area of pavers. All signage will meet the requirements of the township ordinance. A street light sign is also proposed.

Michael Novak, LSRP and President Atlantic Environmental Solutions (5 Marine View Plaza, Suite 303, Hoboken) was present and remained under oath. Mr. Novak referenced his letter dated May 28, 2014 providing a summary of the status of the remedial investigation on the subject property.

Mbr. Buie opened to public of any questions on the sign. Ms. Valentino approached the dais to look. No other members of the public stepped forward and the public portion of the meeting was closed.

Mbr. London stated his comments were made at the last meeting relating to invasive species, NJDEP cleanup and inquiring about seeing the 528 summary letter. Secretary Probasco responded that applicant's legal counsel indicated the letter was sent after the close of business and offered to leave council chambers to obtain the correspondence. Mbr. London stated that the environmental letter remained an open item and voiced concern for access.

Mbr. Filauro asked the applicant to restate the reasons for the requested variance. Mr. O'Neil provided a summary stating that the number of units in the resolution was an oversight on the applicant's part. Mbr. Filauro inquired about the striping of a public road and if parking would be permitted. Jason Kasler, PP responded that if parking isn't currently permitted, it would require an ordinance. Mbr. Filauro inquired about a possible turnaround and snow removal. Mr. O'Neil stated that there is no gate preventing cars from using the entrance as a turnaround. Mr. Forgione spoke to having a small BobCat onsite for snow removal. Further stating that the township attorney is currently working on the sewer agreement.

Mbr. Maffei referenced preliminary meetings on the rehabilitation area and inquired about secondary access to the complex. Mbr. Maffei spoke to track realignment. Joseph O'Neil, Esq. responded to alleviating some conditions but not all matters being within their control. Edward Buzak, Esq. provided a follow-up to Mbr. Maffei's question, stating that an applicant isn't expected to anticipate every emergency that could occur. Suggesting that the applicant give it consideration for an event that does occur, as it relates to the 5-7 year cycle and alternate access. The board attorney deferred to wait for the Mayor's comments.

Mbr. Kuntz wanted to have other board members comment first.

Mbr. Nienstadt spoke to the striping of the road for pedestrians having a narrowing effect and being in favor. Mbr. Nienstadt suggested obtaining input from the residents regarding the parking and no parking along the road. Mbr. Nienstadt referenced the NJ Transit work and stated that township goes to great lengths during the weekend it's closed.

Mbr. Golinski spoke to the community involvement and thanked the public and the applicant. Stating the disappointment in not receiving a variance free application. Commenting that many of the issues raised will exist with or without this proposed development. Mbr. Golinski referenced safety concerns, the police inquiry and an accident occurring ten years ago. Mbr. Golinski continued with the variance requested, asking the applicant to speak to the supporting reasons. Mr. O'Neil summarized prior testimony and spoke to the 100 units not being the variance but the number of building units itself. Stating that it will provide for enclosed parking, better clubhouse, better impact for the environment and a better product. Mr. O'Neil summarized that this unique community deserves a unique product.

Mbr. Schmitt spoke to the landscaping plan and the quantity of evergreens. Suggested consideration be given to provide additional trees. Mr. O'Neil, Mr. Keller and Mr. Forgione spoke regarding the evergreens. Mr. Forgione stated the trees would need to be away from the sidewalk. Mbr. Schmitt spoke to oversight of Deveraux & Associates Architects, Inc. being difficult to understand. Referenced the lack of continuity in the plans and asked that the final submittal includes the schedule. Spoke to one bedroom with a den vs. the two bedroom and the RSIS standards as it relates to the parking. Stating the ease of becoming a 2 bedroom. Mr. O'Neil responded there would be strict control. Mbr. Schmitt referenced building height, calculations and the discrepancy. Mbr. Schmitt stated 39' in height to ridge point for the public. The Township Planner confirmed that there is no maximum height on accessory structures. Mbr. Schmitt reiterated more evergreens, schedule for distribution of types per building and corresponding parking, relabeling of spaces as necessary and verifying that the heights are in compliance.

Mayor Andes spoke providing a recap of council and planning board meetings. Stating the addition of the sewers, removal of vacant building and contaminated soil. Included the positives and spoke to the emergency access. Mayor Andes asked the applicant to restrict right hand turns from the property and add a sign indicating same. Mr. Forgione stated that an easement will be given to the Estling Lake Community to allow for the construction of piers for a gatehouse. Mayor Andes asked for the developer's assistance with removal of the rock for emergency access along with street signs being named after fallen soldiers. Mr. Forgione agreed to all these items along with the removal of the rock be included in the Developers Agreement. Chr. Buie inquired if the apartments ever become purchased. Mr. Forgione stated that in 22 years none of the apartments have ever been converted. Chr. Buie inquired about the road being dedicated to the township. Mr. Ruschke stated there was no reason that the road would need to be a public road. Mr. Forgione agreed to a deed restriction that the road many private. Chr. Buie commented on an attractive addition and believing in the project.

Mr. Forgione spoke to sewer commencement commencing in October 2014 ending in April 2015.

Mr. Buzak spoke to Keller regarding the bedroom breakdown. The maximum number of 1 bedroom with a Den is twenty-five.

Mbr. Kuntz referenced the stub streets and garages. Mr. Forgione referenced River Bend in Florham Park, being most similar with stub streets and garages. Spoke to four types of whistles. Mr. Forgione addressed the train whistles and having spoken with NJ Transit, stating a Quiet Zone is not possible. Mbr. Kuntz spoke to the variance being unthinkable. Stating dissatisfaction with the number of the dens. Mr. Forgione spoke to the redesign of the den with larger opening or lower height wall to eliminate privacy and ensure Mbr. Kuntz have a comfort level that the units will not be used as a two bedroom. Mr. Forgione referenced affordable housing units being one bedroom on the first floor. Mbr. Kuntz spoke to the project being too large. Seeing a preliminary possible but not being ready for final approval.

Jason Kasler, PP asked about the storage of the Bobcat. Mr. Forgione confirmed that the Bobcat would be garaged.

Mbr. Filauro spoke to the project, failure to review the plans page by page, not being acceptable for a resident to state it was an oversight. Desire for compliance with the ordinance. Ms. Filauro stated not being able endorse. Suggested a Preliminary approval being more realistic. Mr. O'Neil spoke to what it would require to be within the ordinance being thirteen buildings without garages. Stating the proposed is a better product.

Edward J. Buzak, Esq. spoke, referenced the issues that the board has to address. Spoke to meeting the criteria, positive and negative criteria outlined by the applicant's professional testimony. Preliminary and Final Site Plan approval being one step vs. two. Stating the conditions of approval that would include but not limited to the following

- Fire hydrant relocation, Knox box at clubhouse, red lights over sprinkler locations, sign details addressed, requirement for sanitary sewer agreement executed by the developer and the Estling Lake Association with perpetual access and subject to the approval of the Township Attorney, adequate walkway lighting from railroad to site, handicapped parking spaces in front of 61-65 units, affordable units to comply with COAH requirements, (bedroom mix) of affordable units shall comply with COAH requirements and housing affordability controls except as otherwise approved, regarding the mix as it relates to a waiver in Denville, applicant shall revise landscaping plan, eliminating invasive species and to encourage use of evergreens where appropriate, work with BOE for school buses, shelter for children and adequate in/egress for onsite vehicles if required. NJDEP approval for buffer averaging plan (has been approved), include additional plantings, benches, and utilization of the pedestrian walkway, sanitary sewer easement, schedule of the bedroom units to include the breakdown, with the maximum 25 1 bedroom units with dens to be included in the schedule of breakdown, building number and units per building number, additional detail regarding the sewer line construction, stubs and (to be clarified) remilling and repaving of Estling Lake Road, prohibition of right hand turn from complex, No Trespassing signs on the border of the property, Developers Agreement to include a fair share of emergency access way to and from the site. Street sign to be placed Estling Lake and Price Court. Internal roadways to remain private. Private hauling of refuse and recycling. Landscaping plans

consideration of the engineer, lighting not to infringe upon the residents, the developer shall attempt to increase the size of the den openings or wall height to reduce the privacy of the den to discourage use as an additional bedroom, BobCat will be housed in a garage.

A motion to approve this application, **with conditions**, was made by Mbr. Golinski, seconded by Mbr. Nienstadt, and approved by a majority of board members eligible to vote.

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

ADJOURNMENT AT 8:53 PM

Denean Probasco, Board Secretary

Date Approved: July 9, 2014