

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES
October 8, 2014

The Planning Board of the Township of Denville held its regular meeting on Wednesday, October 8, 2014. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:30 p.m. Chairperson Buie presided.

Secretary Probasco read Notice of Public Meeting.

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

MINUTES

June 11, 2014

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

July 9, 2014

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

PURCHASING

Motion to pay vouchers submitted by **Hatch Mott MacDonald** (dated July 3 and July 28, 2014) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Maffei and unanimously approved by a majority of Members present and able to vote.

Motion to pay vouchers submitted by **Kasler Associates** (dated June 27 and October 2, 2014) subject to the availability of funds, was made by Mbr. Maffei, seconded by Mbr. Nienstadt and unanimously approved by a majority of Members present and able to vote.

Motion to pay vouchers submitted by **The Buzak Law Group** (dated July 2, August 7, August 29 and October 3, 2014) subject to the availability of funds, was made by Mbr. Kuntz, seconded by Mbr. Golinski and unanimously approved by a majority of Members present and able to vote.

PUBLIC HEARINGS

PSP/FSPV 14-05

**Denville West Main, LLC
2-18 West Main Street/13 Church Street
Block 50412, Lot 12**

Howard D. Geneslaw, Esq. of Gibbons, P.C. (One Gateway Center, Newark) represented the applicant, Denville West Main, LLC. Applicant is requesting preliminary/final site plan approval with bulk variance for parking requirements to install a trash compactor. Matthew Williams and Gerard Fitamant were both present and sworn under oath.

Matthew Williams, CPM of Lerner Properties (720 E. Palisade Avenue, Suite 203, Englewood Cliffs, NJ 07632) was present and accepted by the board as a fact witness. Mr. Williams is a Certified Property Manager for Lerner Properties and responsible for the day to day management of Denville Square. Denville West Main, LLC is the owner in fee of the property. Mr. Williams testified that the six yard trash compactor is insufficient in size for the current tenants requiring three pick-ups weekly. Stating that the increase in size to 17 yards will allow for a decrease in the current frequency to once weekly. While several other locations were considered, alternate locations were determined not to be feasible based upon parking or proximity to residents. Spoke to level of parking in the rear parking lot and conducting site inspections once every two weeks. Stating that there is ample parking at all times of day during site inspections on this property and no negative impact to the loss of two parking spaces onsite.

Gerard Fitamant, PE and Associate of Langan Engineering & Environmental Services (River Drive Center 1, Elmwood Park, NJ 07407) was present and accepted by the board as a professional witness. Mr. Fitamant testified using Site Plan (Sheet CS101 dated 09/15/14). Site consists of 3.68 acres with

frontage on Diamond Spring Road, Church Street and West Main Street. Site contains approximately 39,500 sq. ft. of retail space. The existing compactor is in the rear of the building near the transformer and surrounded by a 6' high fence as indicated on the Site Plan. The proposed location is depicted on the Truck Movement and Detail Plan (Sheet CS501 dated 09/15/14). Maintained in the general location and in front of the existing light fixture. Proposed to be surrounded by a 7' PVC fence and further from the property line. Existing electrical connection will be extended. No proposed changes to the lighting or site circulation. Access will be similar to the existing trash compactor with the exception of a larger footprint. Concrete pad to be installed, a different material but installed at the same grade. Restrictions of parking to allow access during specific times of the day. All vehicles in the parking pod of six parking spaces will have the same parking restriction indicated by signage. The proposed restrictions on parking would be 6 am to 9:30 am. Stating that there would be no detriment to the parking conditions and the ratio of 1:200 would still be maintained.

Chr. Buie opened to the board professionals.

John Ruschke, PE inquired about the four parking spaces. Mr. Fitamant responded that a recycling container would be placed in the location of the current trash compactor. The intention is to have access to the entire area containing both the new trash compactor and the recycling bin during the restricted parking timeframe. Walgreens has exclusive use of the trash compactor behind their store. The proposed trash compactor would serve all other tenants in the complex.

Jason Kasler, PP inquired about the fence heights, pick-ups and restricted parking times and the parking pad being striped and not raised. Mr. Fitamant confirmed that the pad is not raised. The higher fence is proposed based upon the 17 yard dumpster having a higher profile.

Chr. Buie opened to the board members.

Mbr. London inquired about the noise and the height of the compactor. Mr. Fitamant spoke to it being 90", 6" higher than the fence. The hydraulic unit that generates the noise sits on the ground and will be further from the property line. Stating that the fence could be 8' if the board desired. Mbr. London inquired about contents, odors and vermin. Mr. Fitamant spoke to the fully enclosed sealed container.

Mbr. Filauro inquired about access. Mr. Fitamant responded to a consideration for a side door for access. Mbr. Filauro spoke to being a good neighbor and was pleased that the enclosure would be fenced all the way around. Further commenting on the tidiness of the parking lot and stated the pick-up hours have already been addressed. Mr. Williams confirmed that as many pickups as needed could be added to the weekly schedule.

Mbr. Maffei inquired about the parking spaces and if the capacity allows for growth. Mr. Fitamant responded that it would work for the current and future needs of the complex. Mbr. Maffei commended the applicant on the cleanliness of the parking lot.

Mbr. Schmitt commented on the thoroughness of the application. Inquired about recycling bin being gated on the front. Applicant responded it would not be gated. The compactor would be removed from site for emptying and returned empty to the site.

Mbr. Golinski commented on an increased size compactor being required if multiple pickups can take place. Mr. Williams stated the increase size would be more efficient. Mbr. Golinski commented on the testimony discrepancy regarding the hours of operation for the majority of the businesses. The applicant confirmed that the restaurants have a later opening and that there is enough parking in the rear of the building for all tenants. The applicant requested the flexibility to limit the parking restrictions to just the days when pick-ups occur.

Mbr. Nienstadt commented that the residents will appreciate less frequent pickups in the neighborhood.

Mbr. Kuntz stated most of the questions had been asked and complimented the applicant on their application. Mbr. Kuntz inquired about the fence. Mr. Fitamant stated it would be a solid PVC fence and not a slatted fence.

Chr. Buie commented on the recycling producing more noise. Mr. Williams stated it would be picked up around 8 a.m. Chr. Buie also commented positively on the application and inquired about a key in the compactor. Mr. Williams confirmed the key is a standard practice.

Conditions of approval include compliance with recycling ordinance, six time controlled parking spaces instead of two, installation of an 8' fence instead of the proposed 7' screening, ability to modify the days of the week for restricted parking and all conditions of previous approval to remain except as modified.

Chr. Buie opened to the public and seeing none, closed the public portion of the hearing.

A motion to approve this application was made by Mbr. Maffei, seconded by Mbr. Kuntz, and approved by a majority of board members eligible to vote.

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

Chr. Buie announced a five minute break at 8:27.

The board recognized Mayor Andes.

The board attorney announced closed session should begin and the board members unanimously agreed to enter closed session at 8:30 p.m. to discuss:

CLOSED SESSION

**J. Fletcher Creamer & Son, Inc., and Creamer Brothers Partnership
Vs. The Planning Board of the Township of Denville Civil Action**
Superior Court of New Jersey Docket: MRS-L-2148-14
PSP/FSP 14-01, J. Fletcher Creamer & Son, Inc.
301 Palmer Road, Block 61702, Lot 5

Chr. Buie announced entering into public session at 9:30 pm. Immediately followed by a motion to adjourn.

ADJOURNMENT AT 9:30 PM

Denean Probasco, Board Secretary

Date Approved: November 12, 2014