

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES
April 8, 2015

The Planning Board of the Township of Denville held its regular meeting on Wednesday, April 8, 2015. 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, Sue Filauro, Mark London, Mbr. Nienstadt, Mbr. Schmitt
 Absent – Stephanie Lyden
 Professionals present – Tiena Cofoni, Esq., John Ruschke, PE, Jason Kasler, PP

MINUTES

March 11, 2015

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

PURCHASING

Motion to pay vouchers submitted by **Kasler Associates** (dated March 1, 2015) 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 **The Buzak Law Group** (dated February 3 and February 27, 2015) subject to the availability of funds, was made by Mbr. Filauro, seconded by Mbr. Kuntz and unanimously approved by a majority of Members present and able to vote.

Motion to pay vouchers submitted by **Hatch Mott MacDonald** (dated February 25, 2015 and March 19, 2015) 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.

CORRESPONDENCE

Chr. Buie referenced the Zoning Board of Adjustment 2014 Annual Report.

RESOLUTIONS

None.

PUBLIC HEARINGS

**PSP/FSPV: 307 Palmer Road Assoc., LLC
307 Palmer Road
Block 40102 , Lot 4.02**

Allen Hantman, Esq. of Morris & Hantman (168 Main Street) was present and represented the applicant. Applicant is seeking amended preliminary and final site plan approval with associated 'C' bulk variances for parking area front yard setback and freestanding sign.

Both Alfred A. Stewart, PE and Gerald Kelly, AIA were present and sworn under oath.

Alfred A. Stewart, PE of Stewart Surveying & Engineering, LLC (148 East Main Street, Rockaway)

Provided an overview using the plans sheets 1-9 provided to the board beginning with Sheet 2 – Existing Conditions. The same drawings submitted to the board. Spoke to a common driveway and existing building with an easement for adjacent parking area of existing parking utilized by Lot 4.09. Proposed two buildings with one in rear for storage and one in front for office. Proposed using Sheet 3 – Layout. Spoke to meeting required setbacks in the I-2 zone. Property is 82' x 127'. The upper parking area in the front will provide for load area access to the first floor of the building. Ten parking stalls along the side of the building with access to the building by a set of stairs. Access from the loading area provides access to the lower part of the building and storage areas. Lower parking area of 18 stalls is level with the loading area and houses dumpster area enclosed by chain link fence on top of a concrete pad. Further back on the property is a fenced in gravel truck and equipment area with a canopy for housing vehicles.

Area is accessed by rolling gates with another access point to the right of the property, a paved area within the parking area. Utilities to the property are existing municipal water and gas hook ups. Property will have sewer service and applicant has request hook-up with RVRSA. The parking is divided between the front and back of the property. Applicant is proposing 64 parking spaces exceeding the parking requirements of 60.

Alfred Stewart, PE spoke to the lot depth being a non-conforming condition. Proposed 9' setback to parking area where 20' is required. Using Sheet 4 – Grading & Drainage plan. Mr. Stewart spoke to the infiltration systems, outlet structures and overflow from upper system. The rear system will collect the roof runoff. The third and largest drainage system collects the runoff from the lower parking area which surrounds the building. The property is being filled in the rear to raise it up with a maximum wall height of 6'. Three catch basins are proposed. Using Sheet 5 – Lighting Plan. Proposed lights throughout the site meet the ordinance requirements. 18' light poles with LED fixtures. More detail will be provided. Sheet 6 – Landscaping & Striping. Applicant providing screening along the property boundary lines. An easement is being provided to the neighbor for encroachment of the rock wall. Amount of greenery will provide screening of the canopy and storage area. Also screening in the rear near the fenced truck and equipment area to separate the existing parking area from the proposed parking area. The grading of property assists in screening of the property from the road.

Requesting five variances:

- 19-5.908(b) Freestanding sign is not to be located within the front half of the front yard.
- 19-5.803(f) Front yard setback of 9' where 20' is required.
- 19-5.803 Screening for the off-street parking
- 19-5.714(b) Outdoor storage visible from the street ROW
- 19-5.803(f) 20' between access drives, previously approved as a common driveway

Additional waiver or variance required regarding the existing distance of 100' on either side of the proposed building to existing adjoining buildings.

Both the Hatch Mott MacDonald, engineering report dated March 30, 2015 and Kasler Associates, PA planning report dated February 13, 2015 were referenced. Applicant agreed to all items in these reports, which include but not limited to revised plans, as-built plan and outside agency approvals.

Jason Kasler, PP referenced the access easement being included in the lot area calculation. Tiena Cofoni, Esq. confirmed. Mr. Kasler further noted that the FAR would need to include the canopy and with the required variance, the planning board would not be able to hear the application. There was some discussion regarding the existing canopy dimensions of 125' x 25' for a FAR of 31.25% where 25% is required. 23% is building but doesn't include the canopy. The canopy would need to be reduced by 1.5% in order to comply.

Allen Hantman, Esq. requested a brief break at 8:14 pm to discuss the matter with his client. At 8:24 the hearing resumed. Applicant amended application for a 20' x 49' canopy to be within the 25% requirement.

Gerald Kelly, AIA of Gerald Kelly & Associates (9 Iroquois Trail) was present and previously sworn under oath. Mr. Kelly provided an overview of the three sheets of plans submitted to the board, dated December 15, 2014 and revised February 23, 2015. The proposed 127' x 82' two story building is a masonry building with metal sides and roof. Average height of 26'2" for the building. HVAC units will be on the roof towards the rear of the building. Soffit lighting on the front of the building, down lighting to light sidewalk area. The building will be primarily be occupied by the owner with some tenants. Stating the proposed meets with the requirements of the town.

John Ruschke, PE had questions regarding the testimony, the screening, visibility, parking and occupancy. Mr. Kelly indicated that Esposito Electric will occupy 70% of the building. The storage area will be 100% of Esposito. The grading and building will provide screening with minimal visibility of the canopy area from the road. Fred Stewart, PE added that the applicant can provide a couple larger trees at the right corner of the property along Palmer, along with one larger tree to the front right corner of the building. This will provide better screening of the canopy in the rear from Berkshire Hills community. Fred Stewart, PE spoke to loading area and storage area to the rear of the building and spoke to possibly shifting the building back, variance mitigation, existing access drive and existing building next door being factors for the location of the parking lot.

John Ruschke, PE inquired about justification of the sign. Fred Stewart, PE responded to area, visibility and functionality based upon the ground level. Stating that the picnic area would not be an alternative due to screening for the neighbors.

Jason Kasler, PP inquired about the signage. Applicant confirmed there will not be a future request for an increase of the size of the monument sign. Mr. Kasler referenced the front yard setback to the canopy on the front of the building. Applicant agreed to eliminate the canopy. There was some discussion regarding reducing the size of the canopy to 12". John Ruschke, PE commented on the canopy being an aesthetic element to the building in a residential neighborhood. Possibilities would face block or color change to improve the building's appearance.

Chr. Buie opened the public hearing to members of the public.

Donna Carafello (2108 Middlefield Ct., Berkshire Hills) was present, sworn under oath and testified to being a large community. Inquiring number of vans will be operating on a daily basis. Joseph Esposito (424 Franklin Avenue) was present and sworn under oath. Stating most vans go home with the drivers with 3 or 4 that will stay overnight. Hours of operations staggered 6 am, 7 am with the majority of employees working 7:30 to 5:00. Total office staff of ten. Ms. Carafello inquired about school buses. Mr. Esposito responded that there will be the same number of vehicular traffic traveling on the road just to a different location. Mr. Esposito indicated that a series of evergreens would screen the building without detracting, for customers coming to the building. All loading/unloading will be at the rear of the building. Preference would be not have the parking lot in front. Mr. Esposito agreed it would have been his preference but not possible to remove that variance. Grading will remain low and not be changing. Ms. Carafello inquired about the sign dimensions. Fred Stewart, PE responded 10' wide x 7.5' tall. Mr. Esposito indicated that Esposito's sign would decrease as the sign strips below are added for the tenants.

John Muroski (914 Holy Ct) was present and sworn under oath inquiring about dust mitigation during construction. Fred Stewart, PE responded to meeting MCSCD compliance. Commented on the school bus stop lacking markings, crosswalk or signage. The board attorney recommended Mr. Muroski to bring this request to the township council to address. Fred Stewart, PE spoke to the existing driveway and residents being familiar with its location. Mayor Andes suggested Mr. Muroski send a letter on behalf of the association and it would be forwarded to the police department evaluation of traffic.

Lois Sieklick (1806 Middlefield) was present and sworn under oath. Commented on the drainage when it rains and police blocking off the road. Fred Stewart, PE responded to the drainage and the design in place and stormwater compliance. Stating there will be no drainage towards Palmer Road the stormwater continues to the railroad. Further stating by regulation the applicant is required to reduce the runoff of the site.

Erika Studint (3402 Scenic Ct.) was present and sworn under oath. Ms. Studint thanked the planning board and had questions regarding the original approval. Referenced the underground water detention system proposed from the original application in 2002. Fred Stewart, PE explained that the 9' proposed setback was not just for the drainage system but to accommodate vehicle access and turning in the rear of the building. Ms. Studint inquired about possible banked parking. Mr. Stewart indicated that the banked parking was not an option for the proposed development.

James Messier (807 Buckingham Ct) was present, sworn under oath and inquired about road opening and space. Mr. Stewart indicated that the road is typically only one day for utilities. Mr. Esposito indicated that their current 5,000 sq. ft. of warehouse is not sufficient.

Dave Renkas (104 Sheffield Ct.) was present, sworn under oath and inquired about lighting. Mr. Esposito stated that only lighting was desired for the sidewalk and the only flood lights would be in the rear of the building. Stating if there were any lighting concerns to come and see him.

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

Chr. Buie opened to the board members.

Mbr. Schmitt inquired about the elimination of two parking spaces from the original approved plans. Fred Stewart, PE indicated that it will have a negative use on the requirement. Clarification will be noted on the revised plans. Mr. Esposito stated that those two parking spaces were previously dumpsters. Mbr. Schmitt inquired about soil logs and locations and sign illumination. Mr. Stewart responded that the soil type is the same throughout and the sign will be internally lit. Mbr. Schmitt agreed to landscaping to obstruct view towards the back and inquired about the dumpster enclosure. Mr. Stewart stated it would be a 6' chain link fence that can be slatted fencing along the Palmer Road of the enclosure to eliminate visibility into the enclosure. In closing, Mbr. Schmitt stated he had no problem with the canopy and would help minimize the look of an industrial building.

Mbr. Nienstadt inquired about the number of employees and concurred with Mbr. Schmitt on the aesthetics of the canopy in front of the building, voicing being in favor of it. Mr. Esposito indicated there is currently ten employees. Mbr. Nienstadt inquired about the underground drainage system. Mr. Stewart indicated a monthly self-inspection is required.

Mbr. Kuntz inquired about number of employees, doors, lighting pole height and details. Mr. Esposito indicated that it is laid out for five doors but at the time of construction will only be two or three. Stating they receive daily deliveries. The light poles have downward lighting and will be shielded from Palmer Road. Mr. Stewart spoke to sufficient drainage calculations. Mr. Ruschke confirmed he will be satisfied. The snow removal will be stored onsite toward the fenced in area. Mbr. Kuntz referenced the removal of trees, additional screening, even bushes would be helpful. Fred Stewart, PE stated bushes would be possible, two additional large trees will be added.

Mbr. London inquired about maintenance of vehicles or generators onsite. Mr. Esposito responded that they don't repair vehicles but do repair generators which will occur behind the building. Mbr. London inquired about gasoline and oil onsite. Mr. Esposito responded there is waste oil onsite. Mbr. London inquired about evening hours. Emergency calls, for major catastrophes approximately twice annually do occur, but again in rear of building. Mr. Esposito stated pole lights will be on all night. Mbr. London

requested there be no exotic plants, all native plantings. Mbr. London on the site plan, Mr. Esposito responded concrete pavers or stamped concrete existing.

Mbr. Filauro voice being pleased to mature trees remaining and stated most of her questions have been answered. Mbr. Filauro inquired about the lighting. Lighting of sign to turn off around 10 or 11. Pole lighting will be shoebox style with LED lighting. Mbr. Filauro inquired about removing sidewalk and plantings more shrubs instead. Some discussion. Decided it was an ordinance and in a ROW and not an option. Garbage collection is twice weekly and cardboard once a week. Mbr. Filauro inquired about solar panels. Mr. Esposito indicated he had intended to put on canopy but it is now too small.

Mbr. Maffei inquired about the gravel area and tractor trailers. Mr. Esposito responded to the equipment that would be in back and sometimes telephone poles. Confirmed there is an occasional tractor trailer delivery. Fred Stewart, PE confirmed a tractor trailer would fit behind the building. Mbr. Maffei agreed that for aesthetics, a canopy on front would be preferred to provide a more office like appearance. Mbr. Maffei commented that the sign seems excessive for a mixed zone. Mr. Kasler responded to the requirements of the zone.

Mayor Andes inquired about rear garages doors, small equipment storage, fence and lighting. Mr. Esposito replied there is no loading docks and the garage doors would be at ground level. The small equipment comes back and forth from the field for short periods of time. The chain link fence will be visible for security. Applicant agreed to partial slats on the rolling gate. The sign lighting will go off at 9 pm. The applicant will try to ensure the garbage pick-up be no earlier than 7 am. The building will be decorative block and earth tone colors. Mayor Andes agreed that the canopy will have a nicer appearance.

Jason Kasler, PP added that the guard rail on top of the retaining wall is wood and should be screened with vegetation to be more aesthetically pleasing.

Chr. Buie suggested ADA compliance for bathrooms in the warehouse if there will be no elevator. Applicant confirmed that the building will have sprinklers and that gasoline is poured outside. Chr. Buie asked if any members of the board were opposed to the canopy. Seeing none, the applicant's attorney amended the application to include the variance for the canopy. Landscaping to meet the engineer's approval.

Conditions to include but not limited to; more lighting detail, amending 20' x 49' canopy, large trees at southeast corner across from Berkshire Drive and additional large trees at corner of the building to provide shielding, variance for front canopy, plans to be revised to show elimination of two spaces serving Lot 4.01, building mounted lights will be mounted 18' above grade or lower and plans to be revised accordingly, sign to be internally lit or wooden sign externally illuminated either with 9 pm shut off. Final lighting detail to be added to the plans, slatted fencing along Palmer Road side of the garbage enclosure to block view, all indigenous plantings, rolling gates to be slatted, garbage pick-up no earlier than 7 am, building to be earth tone colors, applicant to provide final 'as built' plan, all changes to be incorporated from reports by township engineer and planner, soffit lighting on building overhang.

Motion to approve this application with conditions, was made by Mbr. Filauro, seconded by Mbr. Nienstadt and approved by a majority of members.

ROLL CALL: Ayes – Filauro, Nienstadt, Kuntz, Maffei, London, Andes, Buie

NEW BUSINESS

2015 Zoning Map Revisions and Colorization

Jason Kasler, PP indicated that the map does not include the aquifer sensitive area. This overlay area was in the last map but omitted on the updated map. The last map was created in the 1970's. Tiena Cofoni, Esq. stated that the recommendation be made to include the aquifer sensitive area to be consistent with the Master Plan.

Motion to approve this ordinance with the recommendation to include the aquifer sensitive area was made by Mbr. Filauro, seconded by Mbr. Kuntz and approved by a majority of members.

ROLL CALL: Ayes – Filauro, Kuntz, Nienstadt, Maffei, London, Andes, Buie

OLD BUSINESS

Chr. Buie

ADJOURNMENT AT 10:54 PM