

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES
May 13, 2015

The Planning Board of the Township of Denville held its regular meeting on Wednesday, May 13, 2015. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:32 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

April 8, 2015

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

PURCHASING

Motion to pay vouchers submitted by **Kasler Associates** (dated April 27, 2015) subject to the availability of funds, was made by Mbr. Filauro, seconded by Mbr. London and unanimously approved by a majority of Members present and able to vote.

Motion to pay vouchers submitted by **The Buzak Law Group** (dated March 30, 2015) subject to the availability of funds, was made by Mbr. Filauro, seconded by Mbr. London and unanimously approved by a majority of Members present and able to vote.

Motion to pay vouchers submitted by **Hatch Mott MacDonald** (dated March 25, 2015 and April 21, 2015) subject to the availability of funds, was made by Mbr. Filauro, seconded by Mbr. London and unanimously approved by a majority of Members present and able to vote.

RESOLUTIONS

**PSP/FSPV 15-01: 307 Palmer Road Assoc., LLC
307 Palmer Road
Block 40102, Lot 4.02**

Motion to adopt the resolution of **APPROVAL** was made by Mbr. London, seconded by Mbr. Filauro and approved by a majority of members.

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

PUBLIC HEARINGS

**MS 14-01: Fritzner Leon
15 New Road
Block 40102, Lot 4.02**

Mark Brancato, Esq., Principal of McHugh & Brancato (421 West Main Street, Boonton) represented the applicant, Fritzner Leon. The applicant, Fritzner Leon (19 New Road, Block 31301, Lot 26) is requesting minor subdivision approval to divide a ten foot wide strip of land from the adjacent property owned by William and Diana Bradley (15 New Street, Block 31301, Lot 28).

The requested lot line adjustment is for the purposes of improving driveway access and squaring off the lot. There is no development associated with the subdivision.

Chr. Buie opened to the board professionals.

Jason Kasler, PP had no questions and stated that the proposed subdivision would provide more space to the front of the dwelling.

John Ruschke, PE referenced the existing sanitary sewer and inquired about a potential easement. Mark Brancato, Esq. confirmed that if no easement already exists, one will be obtained. The applicant confirmed that an easement exists for the overhead wire crossing Lot 28 and that the existing fence will

be relocated. John Ruschke, PE stated that the overhead wire from utility pole crossing Lot 28 should be referenced on the plans along with wetlands and FHA. Applicant's attorney confirmed if no easement exists, one will be obtained. Chr. Buie stated wetlands, FHA and environmentally sensitive area does not need to be referenced on the plans.

Tiena Cofoni, Esq. referenced a lot merger of Lot 26 and Lot 51 as a condition of approval. Jason Kasler, PP confirmed that both the lots are isolated and undersized. Mark Brancato, Esq. stated that there was no objection to the merger. The board attorney confirmed that two deeds would be required, one conveying the property and one for the merged properties.

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

Chr. Buie opened to board members.

Mbr. Schmitt referenced some map errors and requested changes regarding the property owners name and property owners listing. Mbr. Schmitt referenced current fence preventing access to the garage. Fritzner Leon (19 New Road) was present, sworn under oath and responded to driveway questions. Mbr. Schmitt thought the application made sense, with the exception of all the pavement in the front yard.

Mbr. Nienstadt had none.

Mbr. Kuntz inquired about the planning report deeming the application incomplete. The township planner confirmed that the applicant requested the required waiver, and the application was deemed complete administratively.

Mbr. London make inquiries regarding the history of the construction of the homes and the sequence of events. Mr. Leon stated the existing dwelling is over 50 years old and the neighbors is approximately 30 years old. Stating the fence was added about six years ago.

Mbr. Filauro inquired about the sewer hookup overflow. Mr. Fritzner indicated he wasn't aware of any. The township engineer stated that there are no regular inspections of lateral clean-outs. Any problems should be reported to the township for investigation. John Ruschke, PE to have DPW investigate history and ensure there isn't a problem.

Mbr. Maffei commented on the ownership and the lots being different on the report. Mr. Kasler confirmed that the drawing was correct.

Mayor Andes had no questions and commented on more natural grass than paved driveway.

Chr. Buie echoed the driveway comments and stated that any driveway that could become grass would be best.

Conditions of approval to include but not limited to; sewer easement, overhead wires easement, plans to reflect Fritzner Leon as applicant, relocation of the fence, Wetlands and setback lines on the plans will be waived.

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

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

#14-15: Denville Land Use Ordinance Revised Zoning Map

Review of the ordinance introduced and scheduled for adoption at the June 9, 2015 Municipal Council Meeting.

Tiena Cofoni, Esq. stated that the planning board previously reviewed the 2015 Zoning Map Revisions and Colorization and commented that the aquifer sensitive area be included to be consistent with the Master Plan. The map has been revised and the board is now confirming that the map is consistent with the Master Plan.

Motion to approve the revised zoning map was consistent with the Master Plan was made by Mbr. Kuntz, seconded by Mbr. Filauro and unanimously approved by all members present and able to vote.

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

NEW BUSINESS

Vice Chr. Kuntz asked for a status on Orchard Street project and referenced the prior conditions. John Ruschke, PE stated that the owner has changed hands several times. The project is underway, inspections are being coordinated with the construction department and the township engineer. The conditions prior to the denial and court mandate would no longer apply. Tiena Cofoni, Esq. confirmed that the final resolution of approval adopted would be binding.

Mbr. Nienstadt inquired about Zeek Road. John Ruschke, PE stated the curb around field is complete, fence around field is almost complete, additional fill material for grading has been added, hopefully within the next month completion. Chr. Buie inquired about illness on turf. John Ruschke, PE responded to the rubber being tested, NJDEP has a compliance item and requires testing for metal. Highly regulated and studies inconclusive. Chatham Twp. did extensive research and nothing demonstrated to confirm health hazard.

Mbr. London referenced AARP's livability index and Denville rating in the middle at 50 as it relates to tools useful for the Master Plan. Additionally, Mbr. London referenced upcoming NJPO's webinar.

OLD BUSINESS

Mayor Andes referenced the downtown improvements and receiving another grant. Phase I and Phase II will be merged together will an anticipated approval July 2015. This will provide for one contractor, one work period and one type of holiday decorations.

ADJOURNMENT AT 8:25 PM

Denean Probasco, Board Secretary

Date Approved: July 8, 2015