

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES
February 10, 2016

The Planning Board of the Township of Denville held its regular meeting on Wednesday, February 10, 2016. 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. Buie, Vice Chr. Kuntz, Louis Maffei, Sue Filauro, Mark London, Kurt Schmitt, Stephanie Lyden, Mayor Thomas Andes, Peter Nienstadt
Absent –
Professionals present – Tiena Cofoni, Esq., John Ruschke, PE, Jason Kasler, PP

MINUTES

November 12, 2015

Motion to adopt the meeting minutes as **submitted** was made by Mbr. Kuntz, seconded by Mbr. Filauro and unanimously approved by a majority of members.

December 9, 2015

Motion to adopt the meeting minutes as **submitted** was made by Mbr. Filauro, seconded by Mbr. Kuntz and unanimously approved by a majority of members.

January 13, 2016

Motion to adopt the meeting minutes as **submitted** was made by Mbr. Filauro, seconded by Mbr. Nienstadt and unanimously approved by a majority of members.

PURCHASING

Motion to pay vouchers submitted by **Hatch Mott MacDonald** (dated January 26, 2016) subject to the availability of funds, was made by Mbr. London, 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 December 30, 2015) subject to the availability of funds, was made by Mbr. London, seconded by Mbr. Maffei and unanimously approved by a majority of Members present and able to vote.

RESOLUTIONS

None.

PUBLIC HEARINGS

**PSP/FSPV 15:05 Universal Institute, Inc.
40 Morris Avenue
Block 60101, Lot 5.02**

Timothy K. Saia, Esq. of the law firm of Morgan Melhuish Abrutyn (651 Mt. Pleasant Avenue, Suite 200, Livingston) represented the applicant, Universal Institute, Inc./Universal Morris, LLC. Applicant is proposing to construct an addition and parking area on an existing group home requiring variance relief for steep slopes.

All witnesses for the applicant were sworn under oath simultaneously. **Lisa Lasso**, VP, CFO of Universal Morris, LLC, **Gerald Novak**, Architect of Gerald J. Novak, LLC and **Joseph C. Sparone**, PE, PP and Principal of Dynamic Engineering

Lisa Lasso, VP, CFO of Universal Morris, LLC (15 Microlab Road, Livingston) was present and testified to being a founder of the institute, been in business for approximately 26 years, treats individuals with neurological conditions. Group home currently has approximately ten residents. Outpatient therapy during the day at Livingston facility and caregivers at the home during the evening. Bus transportation to the Livingston facility and to outings. Spoke to ranch expansion to accommodate an additional four residents from locations that the State is closing down.

Gerald Novak, Architect of Gerald J. Novak, LLC (46 Commerce Road, Cedar Knolls) was present, previously sworn under oath and accepted as a professional witness. Mr. Novak testified to the proposed

improvements using **Exhibit A-1 – 4 Resident Addition** dated November 11, 2015, revised January 18, 2016 that reflected elevations along with floor and roof plans. There is no connection at the breezeway between the hallway of the existing building and the hallway of the proposed building. The basement access will provide service and caregiver access to the other building. Two separate buses are proposed. One new four-person bus along with the existing one ten-person bus. Mr. Novak's testimony continued using **Exhibit A-2 – Site Plan** colorized rendering dated February 10, 2016. Spoke to the standard parking and borrowing parking from the neighboring St. Clare's outpatient facility. No vehicles are permitted by State law to be parked within the facility. Provided a summary of the approximately 2 acre property, existing parking, onsite circulation and loading/unloading. The proposed addition will similar in aesthetics. **Exhibit A-3 – Photograph Views** depicting views from various locations of the subject property.

Joseph C. Sparone, PE, PP and Principal of Dynamic Engineering (245 Main Street, Suite 110, Chester) was present, previously sworn under oath and accepted by the board as professional witness. Provided an overview using **Exhibit A-1 Site Plan** drawing (colorized version of what the board was provided). **Exhibit A-4 - Boundary & Topographic Survey** of Pronesti Surveying, Inc. dated March 17, 2015. Referred to the colorized version of the site plan. Dark grey is enlarged widened driveway and proposed new parking area to the south of the structure. Proposed addition of 2,394 sq. ft., 13 proposed parking spaces, one to be ADA accessible, one oversized 15' x 30' for bus parking or loading/unloading of residents. The proposed front yard setback of 133.8' meets the required 50' FYS. The proposed side yard setback of 39' to the building is close to the existing 39.9'. The rear yard setback remains unchanged. The impervious coverage would increase from 15.6% to 30% for a total of 13,402 sq. ft./0.23 acres. Parking spaces to be located within the 'L', spoke to the residential use with the parking being more of a commercial look, tree removal of 45 trees to make room for the building itself, parking and widened driveway. Stormwater management basin to be located in the front yard resulted in tree removal. Maintaining the existing trees along the residential property line. The existing structure is being used to shield the more commercial aspects of the development. Proposed increase driveway from 12' to 24' for two-way access. Illumination of seven freestanding lights to provide safe levels of illumination to while shielding the neighboring properties. Proposed 0.8' candle minimum with intensity 1' candle maximum at the access drive. Carriage light decorative fixture proposed versus the ordinance requirement of shoebox fixture to keep with the residential aesthetic. Spoke about stormwater and underground facility to capture roof runoff for new structure and a portion of the existing structure. Effort was made to mimic drainage and runoff patterns. Testified further regarding the detention basin, swale, river rock, and soil movement. Stated that the steep slopes were manmade. Provided an overview of steep slopes categories of disturbance. 50% disturbance allowed in the 15-20% category where 84% is proposed totaling 1,427 sq. ft. 25% disturbance allowed in 20-25% where 100% is proposed totaling 362 sq. ft. primarily at the driveway entrance.

Chr. Buie opened to the board professionals.

John Ruschke, PE spoke to the commercial appearance of the proposed development in a residential district and the structure, detention basin and parking lot. Applicant confirmed there would be no planning testimony. Mr. Ruschke inquired if future expansion is anticipated based upon the parking lot size. Functional for eight why the increase for four more. Ms. Lasso stated the facility is not currently functional and referenced the grass being ruined on sides of the driveway. The board engineer inquired about a breezeway and use of the rear property being utilized beyond the patio. Mr. Novak responded to the breezeway and Ms. Lasso indicated a garden patch. Mr. Ruschke spoke to the large area in the rear of the property being an alternative for the parking. Ms. Lasso responded to a privacy issue in the rear of the home. Patio required for visiting families and resident privacy. A garbage dumpster is proposed to eliminate animals, mess and transporting down the driveway.

Gerald J. Novak, AIA responded to the negatives of parking in the rear increasing the impervious coverage, lighting and the need to traverse the entire property to the rear of the building. Applicant has no problem screening the entire front of the proposed parking area. Ms. Lasso confirmed additional landscaping of shrubs and trees. Two staggered rows of 10' evergreen trees as desired by the board or required by ordinance. John Ruschke responded two staggered rows of 10' evergreen trees (approximately 15 trees, 10' on center) would be a vegetative buffer with low height Viburnum supplemented between the trees. Lighting will be designed to not be an issue. Applicant agreed to condition of stormwater as per Hatch Mott MacDonald.

Jason Kasler, PP inquired about the number of licenses for this facility, A/C and Generators for existing and new and attic access. Ms. Lasso responded yes to both the A/C and Generators. Mr. Novak responded to one furnace and one attic access. Ms. Lasso indicated that the facility would have two licenses as the new building will be for Developmental Disabilities. Mr. Kasler stated this would be two uses operating as two group homes. Ms. Lasso stated that they may be one license for one group home and one licensed facility both TDI and DDD.

Chr. Buie opened up the hearing for questions from the public.

Stan Sebastian (35 Morris Avenue) spoke to living directly across the street, provided comments and recommendations. Mr. Sebastian referenced self-evacuation, lighting, swale, detention basin and information received from HHS connectivity. Mr. Novak responded physical connection is different, maximum amount of 15 residents and 'L' addition as per UCC.

Robert Danbury (17 Morris Avenue) acknowledged Universal being a good neighbor. Spoke to going up or in the rear instead of the front, the detention basin, lighting, heavy tree removal and future issues should Universal move.

Sandra Sebastian (35 Morris Avenue) stated the parking lot in the front of the building is very commercial looking, close to encroaching on side yard, tree removal and lighting concerns and urged the board to deny the application.

Alison DaSilva (12 Morris Avenue) spoke to valuing the mission and concurred with other members of the public who have voiced concerns.

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

A brief break was announced at 9:06 PM.

Resumed after brief break at 9:18 PM

Chr. Buie opened up the hearing for questions from the members of the board.

Mbr. Filauro inquired about hours of operation, drainage and parking. Voicing concern for steep slopes and tree removal. Ms. Lasso responded during the day the residents go to a day center in Livingston. It's a regular work day and returning in the evening. No staff during the day, staff come on when they return and stay through the night. Approximately 3 members of staff. Ms. Lasso was not aware of drainage problems and the parking is very limited and takes place along the driveway. Mr. Sparone responded to the steep slopes using **Exhibit A-5** to indicate the area will be less steep in that area than it is today and will increase visibility. Mr. Novak testified that the detention basin and steep slopes would still be required if the parking was in rear. Further spoke about bus, impervious coverage and the need for tree removal for an underground detention basin. Mbr. Filauro stated the board wanting to see success.

Tiena Cofoni, Esq. inquired if the application was being amended for the height of the light poles and the detention basin. Joe Sparone, PE responded that lighting, stormwater and underground detention changes are an option. Tiena Cofoni, Esq. responded to the difficulties of the board to act without having more details on the details of the possible changes.

Mbr. Filauro added another question regarding a dumpster. Ms. Lasso indicated a dumpster is proposed but not possible at this time due to space and access. The concrete pad and trash enclosure is on the plan.

Mbr. Lyden acknowledged the mission. Stated a professional landscape plan would be required to make a determination. Commented on a turnaround and additional parking as a compromise and inquired about one large bus, building up instead of out and a definitive number of licenses. Ms. Lasso responded no bus large enough, the need for a single level and a single license for 15 residents.

Mbr. Maffei inquired about snow removal and spillway operation. Stating agreement that an updated landscaping plan would be required before voting. The applicant's engineer stated snow would be similar to storm water runoff and spoke to the emergency spillway to Morris Avenue. The detention basin would be designed for a 100-year storm.

Mbr. Kuntz inquired about current residents, garages, ramp, potential turnaround and soil movement. Voicing concern on the 45 trees of 14 varieties being unthinkable. Ms. Lasso stated currently 10 permanent community residents and 4 more proposed. They can come together for parties but residents do not cook. Joe Sparone, PE responded to net cut fill and John Ruschke, PE confirmed that there will not be a substantial amount of fill removed. In closing Mbr. Kuntz referenced website and inquired about the levels of residency. Ms. Lasso stated there are residential group homes and there are other levels of needs based upon cognitive brain functions. There are semi-independent facilities that have residents that shop.

Mbr. Nienstadt inquired about the new addition and Ms. Lasso stated maximum license allows up to 15 residents. Mbr. Nienstadt commented on the detention basin. John Ruschke confirmed everything could go underground.

Mbr. London inquired about the residents being wheelchair bound, gardens, patio, ratio, visitors and on-street parking. Aid to resident ratio typically 1 to 4 with overlap at mealtime. Ms. Lasso stated not all residents are wheelchair bound but those at this facility are. Speaking to the quality of life using the patio and enjoying the garden. Mbr. London suggested lights off at certain hours, visitors using the street and non-invasive species. Mbr. London voiced concern for parking and moving the 'L' back to alleviate concerns from the neighbors.

Tiena Cofoni, Esq. inquired about the lighting hours. Ms. Lasso responded to the change of shift 3-11 pm and the lights could be off by midnight.

Mbr. Schmitt

commented on this being a permitted use and inquired about the driveway width. The applicant confirmed there are two variances requested for steep slopes and slope of driveway. Ms. Lasso stated that there is concern for backing onto Morris Avenue. Mbr. Schmitt inquired about the white oak being spared. Joe Sparone responded that a possibility exists for a reduction to a 20' driveway. Mbr. Schmitt commented on lighting, landscaping, parking and detention maintenance. Stating that the architectural feel is residential.

Mayor Andes referenced the request for future development to take place in the rear of the house at the prior approval. Mayor Andes commented that it appears to be two group homes on one lot and voiced disappointment.

Chr. Buie commented on the breezeway to nowhere serving no purpose and the proposed being two separate buildings. Chr. Buie stated that the building has a residential appearance but no residences have parking lots or detention basins and voiced concern on the impact to the neighborhood. The board attorney inquired about the breezeway and the basement. Mr. Novak responded. Mr. Ruschke stated the definition of a breezeway is to connect to buildings.

The applicant requested adjournment to provide revised plans to include a landscaping plan, saving the oak tree and narrowing of the driveway. The board secretary provided available dates. Tiena Cofoni, Esq. advised that the public hearing for this application would be carried to April 13, 2016.

NEW BUSINESS

Mbr. London inquired about the Master Plan. The board planner responded.

ADJOURNMENT AT 10:39 PM

Denean Probasco, Board Secretary

Date Approved: April 13, 2016