

August 09,2017

**Planning Board  
Meeting Minutes**

**August 9 ,2017**

The Planning Board of the Township of Denville held a meeting on August 9,2017. The meeting was held in the Municipal Building,1 St Mary's Place and commenced at 7:30pm. Chairperson Buie presided.

**Secretary Unrath read NOTICE OF PUBLIC MEETING**

**ROLL CALL:**

**Present:** John Ciardi, Sue Filauro, Louis Maffei, Chairperson Glenn Buie, Mayor Thomas Andes, Glenn Buie, Kurt Schmitt, Doug Gabel, Marilyn Kuntz

**Absent-** Mark Venis

**Prf. Present:** Ed Buzak Esq., Jason Kasler, AICP, PP, John Ruschke, PE

**MINUTES**

A motion to approve the minutes from June 21, 2017 was made by Mbr. Maffei, seconded by Mbr. Filauro and approved by all members able to vote.

**PURCHASING**

A Motion to pay vouchers submitted by **Mott MacDonald** was made by Mbr Kuntz, seconded by Mbr Maffei and unanimously approved by all members able to vote

**RESOLUTIONS**

None

**PUBLIC HEARINGS**

**PSP/FSP/SS/TR 16-04**

**Amee@46, LLC** (carried from June 14<sup>th</sup>)  
**123-124 W Main St/ 14 Augusta  
Block 41203, Lot 9,10,15**

Chairperson Buie and Board Member John Ciardi excused themselves from this application.

Vice Chair Filauro presided

**Allen Hantman (168 W Main St)-** Stated that since the last hearing the application has submitted an amended drainage plan. Also contacted the Dunkin Donut corporation and notified that only box trucks are permitted at this facility.

**David Karlebach (38 E Ridgewood Ave)-** Sworn in as a professional planner. Mr. Karlebach stated he reviewed the towns re- examination report and the application as a planner's perspective. Exhibit A-3 is series of photos of the site and the surrounding area. The photos showed 12 Augusta St and that the proposed landscaping would be higher than the first story window of that property. The application is proposing a total of 40 parking spaces, 2 additional light fixtures, new landscaping and fence. The drainage structure would also be upgraded. It is stated that lot 15 is a conditional permitted use and the entire site is zoned for commercial use. The variances being requested are for buffer area, 20ft setback from the business/ residential area and steep slopes. These variances can be a C2 and have no hardship. This application would promote visual environmental impact. There is no detrimental impact to this proposed property. Mr. Karlebach stated that in the Master Plan it mentions that all properties should provide customers with significant amount of parking spaces.

Open to board professionals

**Mr. Kasler, PP-** Discussed what would be the best location of the fence and landscaping on Augusta St. The number of lights poles were also discussed.

August 09,2017

**John Ruschke, PE-** Stated he agreed with Mr. Kasler's suggestion about switching the position of the trees and the fence along the residential side. Mr. Karlebach did make a comment that he would not want to make the house owners be in charge of the landscaping since it would be closer to their property.

#### **Questions from the public**

**Susan Lindstedt (6 Augusta St)-** Discussed the tractor trailer deliveries that are still driving into the property. Mr. Hantman stated that since the last hearing the owner of this Dunkin Donuts has taken all the necessary steps to have only box trucks come to this property.

**Mike Lindstedt (6 Augusta St)-** Showed 3 photos from his phone of tractor trailers in the Dunkin Donuts parking lot. Mr. Lindstedt stated that it is dangerous for big trucks to be maneuvering on such a small street.

**Jeffrey Biggs (6 Husa Place)-** Questioned the conditional and permitted uses on this particular lot (s). Mr. Karlebach stated that there is no expansion to the building itself. It was also stated that the ordinance allows non-residential parking in a residential area. There were discussions about changing the zoning of the property and Mr. Buzak stated that the zoning cannot be changed. Mr. Biggs stated that the ordinance 19.5.801 for off street parking and conditional were not satisfied from the applicant.

Break from 8:43- 9:52

**Jeffrey Biggs-** Sworn in as a professional engineer on behalf of himself. Discussed the master plan and the nonresidential growth in a residential neighborhood. Mr. Biggs stated that doubling the parking spaces does not meet those standards. There was also testimony expressing concerns for drainage and the height of the lighting poles.

**Allen Hantman, Esq-** Discussed that a buffer would be need to extend the parking lot.

**Mark Alitce- (5 Augusta St)-** Questioned how does additional parking spaces benefit the public good. David Karlebach stated that on-site parking is an issue and the applicants are trying to eliminate the cars that park on the street during peak hours. Mr. Hantman further testified that the applicant is trying to keep all parking within the site, just as the Master Plan suggests.

**Cheryl Knox (16 Frazier Rd.)-** Questioned how the additional parking spaces would benefit the public good after the peak hours are over.

**Glenn Buie (15 Frazier Rd.) –** Discussed the difficulties of building Dunkin Donuts and the water problems that already existed. Also made testimony how the applicant has not kept the upkeep on the new property ever since it was purchased. Mr. Buie made further testimony that the cars would still park on the street because it easier for the customers rather than walking through the parking lot. Also believes that this new lot will lose the characteristic of the neighborhood.

Public portion closed

**Mbr. Kuntz-** Stated she listened to the past hearing and expressed concern for the height of the light poles. Mrs. Kuntz stated that additional spaces would not be beneficial for this property and most customers would still park on the street.

**Mbr. Schmitt-** Stated that he does not believe the additional 20 parking spaces would be used. There was discussion about the new storm water management report provided to the engineer.

**Mbr. Maffei-** Stated he does not find it necessary to add those additional parking spaces when this is a location that only have customers coming in for 5-minute span's. Mr. Maffei does believe that the customers would still continue to park on the street because it more convenient to get right on Rt. 46

August 09,2017

**Mbr. Gabel-** No questions

**Mayor Andes-** Stated he is not in favor of this application and does not see the need for the additional parking spaces in relation to the Master Plan.

**Mbr. Filauro-** Stated that she too is not in favor of this application and does not see the beneficial growth. Also, does not believe this is a good environmental impact between the residential and commercial areas.

**Ed Buzak, Esq-** Stated that in the past application from 1989 there was no parking variance being requested.

**Dwar Patel –** Manager of the establishment. Stated that there is no 2<sup>nd</sup> part to this application, all the owners want to do is add additional parking spaces to make it easier for their customers.

**Allen Hantman, Esq-** Stated this is a conditional use application and it is permitted in the ordinance. The applicant does not need to prove any hardship.

**Ed Buzak, Esq-** The application heard tonight was for preliminary and final site plan approval with 2 variances. It is discussed in detail about conditional and permitted use. The board would need to take into consideration if it is reasonably necessary, will not be detrimental to the public good or surrounding neighbors. Also, if this application substantially impairs the Master Plan.

The board members all agreed that this application is determinantal to the public good.

A motion to deny this application was made by Mbr. Kuntz, seconded by Mbr. Andes by all members able to vote.

**ROLL CALL:**

Kuntz  
Andes  
Maffei  
Schmitt  
Filauro

Meeting adjourned at 10:48

Board Secretary, Melissa Unrath

**Minutes Approved:** October 11, 2017