

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES
February 11, 2015

The Planning Board of the Township of Denville held its regular meeting on Wednesday, February 11, 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, Louis Maffei, Mayor Thomas Andes, Stephanie Lyden, Sue Filauro, Mark London, Mbr. Nienstadt, Mbr. Schmitt
 Absent – Vice Chr. Kuntz
 Professionals present – Edward Buzak, Esq., Rob O'Brien, PE, Jason Kasler, PP

MINUTES

January 14, 2015

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

PURCHASING

Motion to pay vouchers submitted by **Kasler Associates** (dated February 2, 2015) subject to the availability of funds, was made by Mbr. Filauro, seconded by Mbr. Maffei and unanimously approved by a majority of Members present and able to vote.

Motion to pay vouchers submitted by **The Buzak Law Group** (dated January 9, 2015) subject to the availability of funds, was made by Mbr. Filauro, seconded by Mbr. and unanimously approved by a majority of Members present and able to vote.

Motion to pay vouchers submitted by **Hatch Mott MacDonald** (dated January 6, 2015) subject to the availability of funds, was made by Mbr. Filauro, seconded by Mbr. Maffei and unanimously approved by a majority of Members present and able to vote.

RESOLUTIONS

None.

PUBLIC HEARINGS

**MS 14-07: Lakeland Surveying, Inc.
 67 & 69 South Wynde Drive
 Block 40816, Lots 1759 & 1762**

Richard T. Sweeney, Esq. of Laddey, Clark & Ryan, LLP (60 Blue Heron Road, Suite 300, Sparta) represented the applicant, Lakeland Surveying, Inc. Applicant is seeking minor subdivision approval for a lot line adjustment between two single family properties.

Mark Cifone, Professional Land Surveyor at Lakeland Surveying (117 Hibernia Avenue, Rockaway) was present, sworn under oath and accepted as an expert witness. Entered **Exhibit A-1** – Proposed Minor Subdivision with notations (dated August 27, 2014). Revised to include board engineer's comments and concerns. Explained that a 18" discrepancy of distance to the pin was identified during survey of the property. Closer to the westerly sideline than proposed. Survey for the placement of the house was requested and the error was discovered. A sliver was discussed and an agreement between Mr. Longo and Panoramic for the lot line adjustment. Entered **Exhibit A-2** - Aerial Photograph

Dick Sweeney, Esq. referenced the engineering report dated January 22, 2015. Addressing each of the items individually. Referenced the deed from the fire department. Edward Buzak, Esq. referenced the access easement and error. Deed was entered as **Exhibit A-3**. Location of all utilities has been marked on the plan. Rob O'Brien, PE questioned the utilities to the home not being marked on the plan. Mr. Cifone stated that the easement on Lot 1762 has been confirmed. It has existed for many years and has not been an issue. Edward Buzak, Esq. inquired if the pole was public or private. Mr. O'Brien stated it served both lots. There was some discussion regarding the pole.

Tim Mannherz (59 Randolph Avenue) was present, sworn under oath and testified to the pole being a Verizon pole which services the Mannherz residence and others. Mr. Mannherz spoke to a cap directly

out to the road. Confirmed that the building department inspected the locations. The pole was originally closer to the home and new pole was installed around July 2014 further from the home. The pole is on the Mannherz property, they were aware and consented to its location. Stated his partner may know more.

Thomas Licciardi (8 Miller Drive, Boonton Twp.) was present, sworn under oath and spoke to the pole location. Edward J. Buzak, Esq. inquired if it presented a problem to finalize the Verizon agreement. The applicant agreed to this as a condition of approval. **Exhibit A-4** - Tax Map was entered.

Chr. Buie opened to the board professionals.

Rob O'Brien, PE inquired about the improvements to South Wynde Drive and gravel being a possibility to differentiate between the road and the property. Mr. Mannherz stated that the road has paved that area and it meets the property. Mr. O'Brien referenced the contours toward Lot 19 and inquired about runoff. Mr. Mannherz stated everything works properly. One 500 gallon dry well was installed in the back of the property about midway from the pavers and the rear property line. Applicant agreed to provide a copy of the MCSCD approval as a condition of approval.

Jason Kasler, PP had no comments or questions.

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

Chr. Buie opened to the board members.

Mbr. London referenced being confused.

Mbr. Filauro inquired how this occurred. Jason Kasler stated it was not through an error of the building department. No foundation location requested until after the foundation walls were up.

Mbr. Maffei

Mbr. Schmitt stated he had no problem. This type of thing is common and makes sense.

Mbrs. Lyden, Nienstadt and Buie had no comments or questions.

Mayor Andes stated that it was the fire department association and not the fire department having been previous owner. Further commenting that he had spoken with John Ruschke, PE on the application and it wasn't an omission on the part of the construction department.

Edward J. Buzak, Esq. provided a summary. Two condition of an approval would be that the applicant will finalize and formalize the relationship with Verizon for the existing utility pole that services this and two other properties. Applicant to furnish a copy of the MCSCD approval of the rear yard drywell that the drainage and leaders are connected. A corrective deed to be prepared to correctly identify which Lot is benefiting from easement. Possibly another document has been signed. If not recordable, it will be recordable. Mr. Cifone to submit a map to replace Exhibit A-1 to show revision date to distinguish the map and replace the gravel with the pavement current existing conditions. Jason Kasler, PP also suggested that the resolution not indicate that the lot is conforming as it is still undersized.

Richard Sweeney, Esq. stated that the home is under contract and scheduled for closing on March 20, 2015. Edward J. Buzak, Esq. stated that the resolution will be prepared for adoption at the March 11, 2015 meeting. Stating that if all documents and deeds are submitted for review beforehand, everything can be executed at the time of the resolution.

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

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

OLD & NEW BUSINESS

None.

ADJOURNMENT AT 8:34 PM