

**Planning Board
Meeting Minutes
Regular Meeting**

November 18, 2020

The Planning Board of the Township of Denville held a regular on November 18, 2020. The meeting was held virtually via Blue Jeans and commenced at 7:30pm. Chairperson Schmitt presided.

Secretary Unrath read NOTICE OF PUBLIC MEETING

ROLL CALL:

Present: Kurt Schmitt, Mayor Thomas Andes, Louis Maffei, Don Kuser, Glenn Buie, Sue Filauro, Mark Venis, Louis Maffei

ABSENT: Marilyn Kuntz, Don Kuser, John Ciardi,

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

MINUTES -None

PURCHASING

A motion to pay vouchers submitted by **Kasler Associates** was made by Mbr. Filauro, seconded by Mbr Buie and unanimously approved by all members able to vote.

A motion to pay vouchers submitted by **Mott MacDonald** was made by Mbr. Filauro seconded by Mbr Buie and unanimously approved by all members able to vote.

A motion to pay vouchers submitted by **Ed Buzak Law Group** was made by Mbr. Filauro, seconded by Mbr Buie and unanimously approved by all members able to vote.

CORRESPONDENCE/PROFESSIONAL COMMENTS- None

RESOLUTIONS- None

PB/PSP/FSP-20-01

Bank of America (Continued from 10/14/20)
125 E Main St
Block 40817, Lot 3

Scott Collins, Esq – Attorney representing the applicant. The application is for lighting improvement to the existing bank and the applicant submitted revised plans.

Jake Modestowe, PE- Still under oath from the previous hearing. The applicant revised the plans and re-submitted on 10/30. The new plans show 4 new area light fixtures with a foot candle of 7.9ft. The new light fixtures are LED and meet the state regulated statues. Mr. Modestowe explained that at 50ft it is 2 foot-candles and at 5ft its 10 foot-candles. The lights are measured from 3ft at grade. The plans submitted show 7.9ft to 4.9ft over the property line at grade. The applicant moved the light poles closer to the building which made the lighting level from 12ft to 8ft foot -candles. The light levels comply with state codes. The new plans were submitted as exhibit A 2.1 as C1, A2.2 as C2, A2.3 as C3 and A2.5 as C5.

John Ruschke, PE- Stated the light level at the entrance way are still very high and suggested installing bollard lights. Mr. Modestowe stated that bollard lights do not meet the state regulations. Mr. Ruschke stated that the entrance way only needs to be lite up 5ft and the plans show the lights are still too bright. There were discussions about the proposed light fixtures and it was stated from Mr. Ruschke and Mr. Modestowe that other light fixtures could be looked at.

Mr. Buzak explained this application does have a hardship with meeting both the municipal lighting regulations and not be in violation of the State statues. Mr. Buzak further explained that Mr. Ruschke is suggesting to lower the lighting level a little more than what is currently being proposed. Mr. Ruschke suggested to show on the plans where it should be a 5ft limit.

Mr. Modestowe drew a picture to explain how foot candles work at different light levels. Also explained lights deteriorate over time and the lights won't be as bright in years to come.

Mr. Ruschke requested that the applicant revise their plans and reduce light levels in certain areas by the entrance way.

Mbr. Filauro- Expressed concern for the lights shining into residents' homes. Also, for houses that are located across the railroad tracks. Mr. Modestowe stated that light levels would not affect the surrounding residents and an existing lighting level was submitted with the application.

Mbr. Buie- Questioned if the ATM could be shut off at night or after 10pm. Also questioned how many customers use the ATM at night. Mr. Modestowe stated that the bank can not give those numbers out in a public forum. Mr. Collins stated the lighting for the ATM is the reason for this application required by State regulations.

Scott Collins, Esq- Explained the hardship for this application is the front property line is so close to the ATM that it is difficult to comply with the zoning regulations. The reason for the state regulations is for safety purposes.

John Ruschke, PE- Stated that the board understands the hardship of this application, but the light intensity is greater than it needs to be in the front entrance.

Open to public for questions

Nicolas Micchelli (124 E Main St apt) Expressed concern for the ambient overflow and dual light level. Mr. Modestowe stated the lights to have a consistent light level for safety reasons. Mr. Micchelli stated the appreciated the applicant revising the plans, but would appreciate if the lighting level were slightly more reduced.

Randi Miller (124 East Main St apt) – Expressed concern for the light level that would reach to her residence

Closed public session

Mbr. Venis- Questioned if the new lighting level would be absorbed by the existing shopping mall lights. Mr. Modestowe stated all the light levels would absorb together at the property line. Mr. Ruschke stated that most of the lighting levels have changed at the front entrance of the property line.

Mbr. Maffei- Clarified by state regulations that the lighting level for the ATM had to be upgraded.

Chr. Schmitt and Mayor Andes- Suggested to have the applicant and town engineer work together to the best lighting solution.

It was stated the application would be carried to January 13th without further notice.

NEW BUSINESS

John Ruschke, PE- Stated the revised Municipal Stormwater Management Plan was adopted in 2005 and is an amendment to Denville's Master Plan. Mr. Ruschke explained the plan was updated to permit for a heavier green infrastructure and more natural features. The revised permit is to reflect a more current standard. The change is more for a planning aspect rather than an engineering standpoint.

There were no questions and/ or comments from the public or board members.

Ed Buzak, Esq- Questioned if notice was given for the statutory compliance. Ms. Unrath stated that the amendment notice was sent to The Citizen and Daily Record on November 6th and all required state agencies.

A motion to adopt the revised Municipal Stormwater report dated October 10, 2020 and as amendment to Denville Master Plan. A motion was made by Mbr. Filauro, seconded Mbr. Buie and approved by all board members.

Ayes- Filauro, Buie, Venis, Andes, Schmitt

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY TO AMEND CHAPTER 600, LAND USE, TO IMPLEMENT SETTLEMENTS WITH SILVER SPRING MANOR AND BACALA GROUP IN CONNECTION WITH THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATION

Jason Kasler, PP- Stated that the proposed ordinance fulfils the last obligation to the fair housing settlement. The two properties currently don't have developers. The proposed ordinance allows for the 36 affordable housing units.

Ed Buzak, Esq- Stated the board needs to vote if the proposed ordinance is inconsistent with the Master Plan and if there are any recommendations.

A motion was made to stated the Master Plan was inconsistent with the Master Plan and there were no recommendations. The motion was made by Mbr. Filauro, seconded by Mbr. Venis and approved by all members able to vote.

AYES- Filauro, Venis, Buie, Maffei, Andes, Schmitt

Meeting adjourned at around 9:30 pm.
Minutes Approved: December 9 ,2020

Melissa Unrath, Board Secretary.