

TOWNSHIP OF DENVILLE

Mayor P. Ted Hussa
973-625-8300 Ext. 224

Marie A. Goble, CFO and
Business Administrator
(973) 625-8300 Ext. 222
FAX: (973) 625-2491

E-mail: Mayor@denvillenj.org

Web site:
<http://www.denvillenj.org>



1 ST. MARY'S PLACE
DENVILLE, NEW JERSEY 07834

THOMAS ANDES
Council President

Council Members:
GENE FITZPATRICK
CHRISTOPHER GOLINSKI
DONALD KUSER
HOWARD SHAW
DEBORAH SMITH
NICHOLAS STECKY

DONNA I. COSTELLO, RMC/CMC
Municipal Clerk
973-625-8300 Ext. 232

TO: Dwayne Snead, Department of Environmental Protection
FROM: Mayor P. Ted Hussa
REF: Rotary Club President's Project Site Preparation
DATE: March 24, 2010

Dear Mr. Snead,

As we discussed on the phone recently, we are submitting to you for your consideration the PERMIT BY RULE provision of the Flood Hazard Area Control Act Rules N.J.A.C 7:13 as it pertains to the construction of a township bandstand. Specifically we reference Subchapter 7. PERMITS-BY-RULE. Each requirement will be listed by its specific subsection.

GENERAL DESCRIPTION

Every year Denville holds a fourth of July celebration, which consists of a concert followed by fireworks. Prior to 2008 a costly stage was erected for the orchestra. It was then taken down and the total cost to erect and take down was \$5,000 annually. In 2008 and 2009 we used an existing pavillion for the orchestra, however because of the location it did not provide optional viewing or enjoyment of the orchestra. The building and grounds official John Ciardi and I discussed this situation and located an area several feet above the ballfield where the seating takes place for the concert and determined this would be an optimal location for a bandstand. Shortly after this determination was made, the Rotary Club President George Hrobuchak took an interest in the project as a president's project for the Rotary club. Plans proceeded from there and the undertaking is to be now a three-year Rotary club project and is to be largely done by volunteers.

Several local bandstands were visited and an appropriate design was agreed to. Local architect, Lou Barbieri took all concerns into consideration and designed the structure that is attached.

The proposed location does not include any wetlands. It is 500 feet from the Rockaway River. It is at elevation 508 feet above sea level. It is either right at the edge of or just out of the flood plain area depending on which map is referenced. It is not in the flood plane area. Most other areas of Gardner field are in the floodplane. The proposed bandstand is on an elevated bluff above the playing area at the same level as the parking lot. The bottom of the footing will be three feet above the playing field or elevation 509 feet. The floor of the bandstand will be at elevation 510 feet. It will be located 6 feet off the Gardner field parking lot, which is on Savage Road. There are five other pavillions, concession stands, bathrooms, garages, storage areas, utility buildings currently located between the proposed bandstand and the Rockaway River. It is proposed that no fill will be added to the flood plane area with this building. Denville has a zero-net fill ordinance.

PERMITS-BY-RULE REQUIREMENTS

We initially called DEP representative Bob Clark to assess what kind of application we needed to apply for to build this structure. In describing the location he indicated we should be able to apply under the Permits-by rule. The following are the specific requirements from SUBCHAPTER 7:13-7.1.

7:13-7.1 (d) 1. i. – Property Owner's name and contact information – The property is owned by the Township of Denville. It is block 41206 lot 13. The contact is Mayor P. Ted Hussa, 1 St. Mary's Place, Denville, New Jersey 07834.

7:13-7.1 (d) 1. ii. – The contractor's name and contact information – The person overseeing all aspects of the design, financing and organization of the project is Rotary Club President George Hrobuchak, 292 Diamond Spring Rd., Denville, NJ 07834. Acting as contractor will be Mike Meola, 46 Smith Rd., Denville, NJ 07834.

7:13-7.1 (d) 1. iii. – Street address, lot, block, municipality and county – The location is block 41206 lot 13 in Denville, Morris County, NJ 07834. It is located on Gardner Field a 22 acre multi-purpose recreational area. Because it is municipally owned any mail pertaining to Gardner field would be addressed to: Business Administrator, Township of Denville, 1 St. Mary's Place, Denville, NJ 07834.

7:13-7.1 (d) 1. iv. – Which permit-by-rule applies to the activity – From Table A – Summary of Permits-by-rule. Item 2 applies – Constructing in a disturbed riparian zone or at or below grade in a flood hazard area.

7:13-7.1 (d) 1. v. – Proposed start and end date for the activity – Proposed start date – April 30, 2010. Proposed end date – July 30, 2010.

7:13-7.1 (d) 1. vi. – Brief description of the activity – construction of a 1070 sf bandstand. The foundation will be concrete attached to footings and anchored to the ground. No portion of the foundation will add fill below elevation 508 feet above sea level. It will be one level with a shingled roof. Its base dimensions will be 32 feet deep by 40 feet wide. It will face east.

SUMMARY OF PERMITS-BY-RULE Table A – Item 2
Constructing in a disturbed riparian zone or at or below grade in a flood hazard area

7:13-7.2 (a) 2. i. – The foundation of the bandstand will be either at ground level or towards the front it will be slightly above current ground level. The construction site is on a slight rise from the playing field below and as such the base of the bandstand will naturally follow the contour of the existing ground. It will not be raised above current ground level except slightly in the front where the base will extend out straight out whereas the ground drops off.

7:13-7.2 (a) 2. ii. – None of the regulated activity is located within 25 feet of any top of bank or edge of water.

7:13-7.2 (a) 2. iii. – The construction activity is not a major development as defined by NJAC 7:8-1.2 Definitions 2. Development. It is not a division of a parcel of land into two or more parcels. According to NJSA 40:55D-1, it received a courtesy Planning Board review on March 17, 2010 and it was approved subject to this permit-by-rule approval. The memorializing resolution is not available as of this date, but can be made available on final passage. It is a small structure with open sides (removeable sides) and only 1070 sf.

7:13-7.2 (a) 2. iv. – No vegetation will be removed except the grass immediately under the structure. One tree will be trimmed, but care was taken to place the structure where no trees will be disturbed.

7:13-7.2 (a) 2. v. – Any areas temporarily disturbed during construction will be replanted with grass. Bushes and shrubs could be added at a later time to improve the looks of the bandstand.

Thank you,

P. Ted Husa
Mayor

Copy to
Marie Goble, Denville Business Administrator
Mary Ann Cuneo, Community Development
George Hrobuchak, Rotary Club President
Lou Barbieri, Architect
Mike Meola, Project Construction Supervisor

Enclosures (5)
Topographic Survey, Lakeland Surveying (shows placement of bandstand)
Township of Denville Tax Map, sheet 412
Louis Barbieri, Architect, Bandstand floor plan, Bandstand front elevation, Plot Plan (3)
FIRM, Flood Insurance Rate Map, Township of Denville