

April 12,2017

**Planning Board
Meeting Minutes**

April 12 ,2017

The Planning Board of the Township of Denville held its regular scheduled meeting on April 12,2017. 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, Marilyn Kuntz, Mark Venis, Doug Gabel, Kurt Schmitt, Chairperson Glenn Buie, Mayor Thomas Andes

Prf. Present: Scott Eveland Esq., Jason Kasler, AICP, PP, John Ruschke, PE

MINUTES

A motion to adopt the January 11,2017 minutes was made by Mbr Kuntz, seconded by Mbr. Filauro and unanimously approved by all members able to vote.

A motion to adopt the February 8,2017 minutes was made by Mbr Kuntz, seconded by Mbr. Filauro and unanimously approved by all members able to vote.

PURCHASING

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

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

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

RESOLUTIONS

**MSV 16-01 Luer, Compton & Ryerson
9, 11 &15 Wildwood Terrace
Block 60204, Lots 146, 148, 149**

A motion to adopt this resolution of approval was made by Mbr. Kuntz, seconded by Mbr Maffei and unanimously approved by all members able to vote.

PUBLIC HEARINGS

**PSP/FSP/SM/TR 17-01 7Eleven
45 West Main St
Block 50308, Lot 1**

Jason Tuvel- Attorney representing 7 Eleven INC. Applicant is seeking preliminary/ final major site plan approval and bulk variances. The property is located in a B-2 zone and the applicant would like to redevelop a current vacant automobile dealership into a 7 Eleven. 7 Eleven gets approximately 1 tractor trailer delivered per week and a box truck delivered 2 times a day. The deliveries do not happen during peak hrs. One of the bulk variances being requested are for front yard setback. The current property is a unique and narrow lot. The other variances being requested are for signage. The architectural aspect of the building has changed, but the site plan itself has not.

Jeff Martell (Stonefield Engineering, Rutherford) – Sworn in as a professional engineer. Exhibit A-1 is an aerial photo of the property dated 4/11/17. The property is currently 0.29 acres and located in the aquifer

April 12,2017

sensitive overlay zone. The property has 2 frontages on Rt. 46 and West Main St. Exhibit A-2 is the site plan rendering. The proposal is a full re-development. The new proposal of 7Eleven is 2,425sqft with 15 parking spaces, trash facility, & side walk improvements on Rt. 46 and West Main St. The new position of the building proposed is to be the safest/functional from the intersection. The current property today is a 4-way driveway and the proposed building is a 2-way driveway. One driveway coming from Rt. 46 & the other coming from West Main St. The building is proposed away from the intersection. The architectural plan is to have a 360degree feel with no side or back view, and landscaping around the whole building. This property would be reducing impervious coverage by 31%. Since this development is in a flood hazard area it is proposed to elevate the building by 1ft and have extra vents under the building. This plan has been approved by the Environmental Protection Department for flood hazard. There are (3) 15ft high light post and wall mountings. Exhibit A-3 is the colored version of the elevations. Exhibit A-4 is the site rendering of the property. The proposed building is a sandstorm color with fake cement windows and green awnings. As for signage, there are 2 driveway signs at each entrance, 1 freestanding sign on Rt.46 and 3 traditional wall signs on the building. Exhibit A-5 shows the proposed building envelope. The engineer does feel building within the setback is nearly impossible for a retail use. The parking spaces will be 9X18 and its adequate for this type of retail space. The engineer reviewed the comments made from Mott MacDonald from his February 13th memorandum and he complies with all comments.

Matthew Seckler (Stonefield engineering, Rutherford)- sworn in as a professional traffic operational engineer. The proposed building has been approved for an access permit on January 25 and has met with the DOT (still waiting for comments). Mr. Seckler explains the traffic flow of Rt. 46 and West Main St. There was a traffic study done on Dec 14 from 7am-9am and 4pm-7pm. There was also an analysis done to see what this intersection would look like in another 2years. A study was done on convenient stores to see how much extra traffic it would accumulate. In the morning hours, this 7 Eleven would accumulate a total of 1-2% new travelers. After this analysis, the engineer felt it was necessary to make the left turn light going onto West Main Street be 2 secs longer. Mr. Seckler does believe the driveways are at an adequate distance from the traffic stops. It was stated from an engineering standpoint that the proposed sign gives travelers enough distance to read the sign and slow down.

Keenan Hughes (Phillips Preiss Grygiel)-Sworn in as a professional planner. The variances being requested are for site location within the property lines and signage. Mr. Hughes mentions that all these variances are a C1 and C2 hardships. There is a C1 hardship because of the set requirements is hard to put a building on this location. There is also a C-2 hardship because of the positive impacts it will bring to the town. The application has been amended to remove the promotional signage from the building to eliminate the extra sq. footage. Mr. Hughes states that the setbacks of this building go along with the characteristics of the surrounding buildings. There are also advances in the municipal land use law A,I & H for this property. This location is set in a B-2 zone, however Mr. Hughes states that with setback requirements it makes it hard for a business to be built within that zone. As for the sign variance with a convenient store location it's important to give the travelers adequate notice before making an abrupt stop. In a B-2 zone it is permitted for a pile on sign to be a setback of 75ft. In this certain location that would be impossible to accommodate. Mr. Hughes makes a statement that the if the signs followed the setback requirements it would be unsafe for the public because the signs would not be visible to the public. There is no detrimental impact to the public good for this proposed property.

Break 8:51-9:01

Open to the board professionals

John Ruschke, PE- States that DEP and net cut fill is required. This proposed property must comply with local town requirements. Mr. Ruschke states he does understand the applicant's proposal to where the building is being proposed. However, he further states that this is a focal point going into downtown and from the renderings it does not seem like an entrance point from all four sides. The board should be able to see what the architecture would be from all four sides of the building. It is suggested from Mr. Ruschke to have an actual architectural firm create an accurate rendering of the proposed building. Mr. Ruschke states that this location will get a lot of walking pedestrians from Gardner Field and downtown. It was

April 12,2017

recommended to take a closer look at the plans for walkways and crosswalks. It was mentioned that there is currently a plaque for Denville that is not mentioned in the plans of where this will be placed. Mr. Ruschke also expresses concern for the net fill. Mr. Truvel states that the applicants will comply to all DEP and town conditions. Mr. Seckler suggests putting a crosswalk at the intersection from Hinchman Ave through West Main St. Mayor Andes states that some discussions will need to be made with the police chief to decide the best/ safest location on the crosswalk.

Jason Kasler, PP- Discusses the design of the building and how a darker color would be preferred. There was clarification that the tractor trailer deliveries would be at night and delivered in from Rt. 46. There was more discussion on the best type of landscaping for this property. There will be LED lighting proposed for this property.

Open to the public

Gary Meyers (35 West Main St) – Sworn and testified. Mr. Meyers has a Law Office behind the proposed property and expressed concern for safety and traffic. Mr. Meyers does feel that the right turn going into this property from West Main Street will be a dangerous spot. This is a main focal point going into town and Mr. Meyers made a statement that this is not a good site going into town and for customers going into his office. Mr. Seckler states that with the traffic reports that have been done there is plenty of site distant for any turns made into this property.

Tom Dean- Sworn in and testified- Owner of Norman Dean Funeral Home. Mr. Dean expressed concern about the traffic that already occurs on Hinchman Ave going onto West Main St, by adding another intersection from the proposed dwelling it will cause more traffic and perhaps accidents. Also agrees with the town engineer that crosswalks are a necessity for safety purposes.

Terry Wolster (35 West Main St)- Sworn in and testified- Expressed concern for the smaller parking spaces and how it is difficult to maneuver cars in those tight spaces. In her opinion, the office building already has parking issues from people parking there if they are going into downtown. She believes that customers from 7Eleven will also park in their spaces. Also, expressed concern for the traffic that occurs in all directions from West Main St.

Closed public portion

Open to Board Members

Mbr. Schmitt- Discusses the elevations of the drawing and the architectural of the building. Gets clarification that there will be no writing on the awnings above the windows. Mr. Schmitt discusses the CO2 containers and states that no containers should be left outside of the store, Mr. Truvel agrees to this statement. It was also stated that this 7Eleven will be open 24hrs. Mr. Schmitt comments that a crosswalk should be continued around the building as well.

Mbr. Ciardi- Expressed concern for the crosswalks and the left turn coming into West Main St. to the proposed property.

Mbr Kuntz- Stated that an architectural drawing would be beneficial to the board. Expressed concern for the egress and ingress coming into the property. Also, the traffic during lunchtime hrs. needs to be looked at stating this is one of the busiest times coming into Denville. States that the ATM sign is rather large and should be reduced.

Mbr. Filauro- Expressed concern for where the current crosswalk is being proposed on Rt. 46 and how it could be a dangerous location. Ms. Filauro states that keeping all foot traffic on West Main St would be safer for pedestrians. Mr. Seckler states they will take a closer look at the traffic and crosswalks that are best suitable for this property.

April 12,2017

Mbr Gabel- Expressed concern for any outdoor storage and the safety of the sidewalks. Mr. Truvel states there would be no outdoor storage.

Mbr. Maffei- Expressed concern for cut-throughs that might occur from Rt.46. Mr. Truvel states there was a traffic report done and about 15 cars in the morning and afternoon make that right turn going on West Main St from Rt 46. It did not seem to be a main right turn, but they will put up signs if deemed necessary by the police. Mr. Maffei discusses if a pile on sign is necessary, but Mr. Truvel states to give the drivers adequate distance to turn left it is necessary .

Mbr. Venis- Discussed the crosswalks and perhaps making the entrance on West Main St an Entrance only. Mr. Seckler states that making an entrance only causes more traffic along Rt. 46. Mr. Venis discusses the pile on sign location and how it might be difficult to view.

Mayor Andes- States that traffic, crosswalks and the appropriates directional signs need to be looked at more closely. A meeting with the police and applicants does need to occur before a final decision can be made.

Chr Buie- States that an updated architectural drawing would be recommended for the board. Also, crosswalks from Rt. 46 through the property and onto West Main St. need to be looked at more closely. Mr. Buie states that the trash exposures should match the outside of 7 Eleven.

Break 10:44-10:45

Jason Truvel- States that the layout of the property cannot be changed. The building and entrance way cannot be that close to the intersections and DOT will not allow it. Other than that, all recommendation will be taken into consideration for the next hearing.

The next hearing is scheduled for May 24th. 2017 and the applicants will not need to do further notice.

Old Business

None

NEW BUSINESS

None

Meeting adjourned at 10:51

Board Secretary, Melissa Unrath

Minutes Approved: May 10, 2017