April 19, 2017

Denville Township
Board of Adjustment
Meeting Minutes

April 19, 2017

The Board of Adjustment of the Township of Denville held a scheduled regular meeting on Wednesday, April 5, 2017. The meeting was held in the Municipal Building, 1 St Mary’s Place and commenced at 7:00pm Chr. Dankos presided.

Secretary Unrath read NOTICE OF PUBLIC MEETING

ROLL CALL:
Present: Adam Caravaglia, Daniel Napolitano, Harold Fahrer, Sally Dankos, Dan Roman, Brian Bergen, Ed Moroney
Absent: James Rodimer, Tim Fisher
Prf. Present: John Ruschke, PE, Jason Kasler PP, Larry Wiener, ESQ

Meeting Minutes

A motion to adopt the April 05, 2017 minutes was made by Mbr Bergen, seconded by Mbr Caravaglia and unanimously approved by all members able to vote.

PURCHASING
Motion to pay vouchers submitted by Mott Macdonald subject to the availability of funds, was made by Mbr. Napolitano, seconded by Mbr. Bergen and unanimously approved by members able to vote.

Motion to pay vouchers submitted by Kasler Associates subject to the availability of funds, was made by Mbr. Napolitano, seconded by Mbr. Bergen and unanimously approved by members able to vote.

RESOLUTIONS

BA17-03 Andrea Matos
2 East Glen Rd
Block 60507, Lot 2

A motion to adopt this resolution of approval was made by Mbr. Roman, seconded by Mbr. Caravaglia and unanimously approved by all members able to vote.
Ayes- Roman, Caravaglia, Bergen, Napolitano, Fisher, Dankos

PUBLIC HEARINGS

BA/PSP/FSP 16-17 Ringo Supply
17-19 Hornbeck Rd
Block 50108- Lot 1,77,78
Block 50105- Lot 2

Jeffrey O’Neill (Garofalo & O’Neill)- Representing the applicants of Ringo Supply. The current property used to be owned by Lee Pipe and the owners of Ringo Supply would like to continue that use. The applicants would also like to expand the use requiring a D variance. The application is no longer appealing the decision made by Sal Poli.

Matthew Pennisi- (60 Peachtree Ave)- Sworn in and testified- Principal owner of Ringo Supply. Applicant states the past company, Lee Pipe was a supplier of water, sewer & pipes fixtures. There were storage containers outside with truck deliveries on a daily basis. Mr. Pennisi states that the trucks for his company
April 19, 2017

will be parking on Hornbeck Rd. Ringo Supply proposes to store materials outside similar to what Lee Pipe did, and also to sell utilities installation, stone, sand, top soil etc. There would be additional trucks parking on site. The trucks would be for delivering and the backhoes for installation.

Open to board members

John Ruschke, PE: Questions the applicant how many employees would be working and the times of operation. The applicant states that they would be open 7am-6pm during the work week and half days on Saturday. There could be a possibility that it might have to be open at night for emergencies. There would also be 3-6 employees working. Mr. Ruschke recommends that Saturday hrs should start later to accommodate the neighbors and the access from Rt. 46 would be a better use for this property. It is discussed to not utilize the area zoned as residential for the company's main use and have trucks unloading at early hours. Mr. Pennisi states that the area zoned as residential would not be their main use and the engineer would discuss this in more detail. Mr. Ruschke states that if this site gets approved that the parking spot sizes for the trucks must be followed and cannot be changed. Applicant states there would be diesel fuel on the property and John Ruschke states that it must be sited on the plans along with dumpster locations. Mr. Ruschke also suggests that it be put on the plans of where all the storage bins would be located.

Jason Kasler, PP: Clarifies that this would be wholesale use and used through contractors. Applicants states that this property would also be used for his landscaping business. Mr. Kasler also suggest to not have a main use by the residential side of the property.

John Ruschke, PE: Questions the applicant of how they would be able to regulate if the customer were wholesalers or just the general public. The applicant states it would be able recognize a contractor and usually would not sell something a homeowner would be looking for. Mr. Ruschke suggests putting parking spots for customers.

Larry Wiener, ESQ: Clarifies that Mr. Pennisi was a past customer of Lee Pipe. The applicant states that Ringo Supply would be different than Lee Pipe because it would be selling more materials and they are an installation company. Mr. Pennisi states the landscaping is a very small part of this company and it is just for some jobs that require perhaps tree planting. It is stated the hours of operations would be 7am-5pm.

Open to board members

Mbr. Caravaglia: Questions if the applicant would be selling and importing more goods than Lee Pipe. Applicant states that this is their goal, but cannot guarantee anything.

Mbr. Roman: Clarifies with the applicant that the trucks on site will also be delivering goods to their customers.

Mbr. Napolitano: Questions the applicant of what precautionary steps would be taken to prevent trucks from idling. Mr. Pennisi states he would take a closer look at the delivery schedule and to make it conducive to the residents.

Mbr. Bergen: Discussions with Mr. Wiener on the implications of granting or denying this application would have on the residential and B-2 zones. Questions Mr. Kasler what is allowed in a B-2 zone. Mr. Kasler clarifies that outdoor storage is prohibited in a B-2 zone. Mr. Bergen questions Mr. Pennisi of why the landscaping business was never a part of the initial application. Mr. O’Neill states that the application does not have to be amended for the landscaping company but the plans need to be adjusted.

Mr. Ruschke: Clarifies with the applicant that the trucks showed on the plans are also included with landscaping and would not require more parking spaces.

Mr Kasler, PP: Clarifies that Ringo Supply and Sun Valley Services are two different companies running out to the same business location. Mr. O’Neill states it is two businesses, but it does not affect the use of the property.
Mbr Bergen- Clarifies with the applicant of what exactly are you granting approval for from the board. Mr. O’Neill states that the applicants are just seeking expansion of installation and storage. The landscaping is just an extra necessity for the installation part of the company.

Mbr Fahrer- Clarifies the different uses being requested. Also states there might be additional traffic flow with the additional products being sold.

Mbr. Moroney- No questions

Chr. Dankos- Expressed concern for trucks entering through the residential area and should enter through Rt. 46.

Mbr. Kasler- States that this application is located partly with Mt. Lakes and it is mentioned that Mt. Lakes board is waiting on the decisions made by Denville.

Break 8:20-8:32pm

Open to the public

Janice Blinder (8 Walnut St)- Ms. Blinder states their property is located right next to the proposed property. Questions the applicant of the 2 large black containers in the property. The applicant and lawyer both state they are not part of the application and will be removed. The removal of trees is currently part of a litigation matter and not a board discussion.

OJ Young (9 Walnut St)- Questions the applicant about a new traffic pattern on Hornbeck Rd. Mr. O’Neill states the site engineer will go over traffic plans, but as of now no traffic plans are to change. Mr. Young expresses concern for backups that occur on Hornbeck Rd. and blocking of fire hydrants.

Public portion closed

Michael Finney (180 Oakwood Rd)- Sworn in and testified. States he works for two large utility companies in New Jersey. Mr. Finney was an active customer of Lee Pipe and discussed how Lee Pipe controlled the property. Mr. Finney states that in the past when he has tried to make a turn into the property from Rt. 46 it was very difficult. When the property was owned by Lee Pipe it was stated that the property had storage facilities all over the property and not just in one location.

Open to professionals

Mr. Ruschke, PE- Clarified with Mr. Finney that Lee Pipe was open on Saturdays and had the same number of employees working as Ringo Supply is suggesting. Mr. Finney does state that Lee Pipe was open on Saturdays and 6 employees worked there.

Mr. Kasler, PP- Clarified with Mr. Finney that it was difficult turning a truck onto Rt. 46 into Lee Pipe. Mr. Finney states it was difficult coming in from Rt. 46 and was easiest coming from Hornbeck Rd.

Open to board members

Mbr. Bergen- Discussed with Mr. Finney the different size trucks that are difficult to make the turn from Rt. 46 onto Hornbeck Rd. Mr. Finney states that with any size truck it’s difficult to make that turn onto the property.

Mbr. Fahrer- No questions

Mbr. Moroney- It is discussed amongst Mr. Wiener and Mr. O’Neill that revisions need to be made to the application to show the non-conforming use of Lee Pipe.

Mbr. Caravaglia- It is discussed that Capital was the last business to occupy the property and ran similar to Lee Pipe.
April 19, 2017

**Mbr. Roman**- Stated that Capital was a business for a year.

**Mbr. Napolitano**- No questions

**Chr. Dankos**- No questions

No public testimonies

**Ken Miele** (62 Lopez Rd)- Sworn in and testified. Mr. Miele is currently employed at American Water Company out of Picatinny Arsenal. He was also a past customer of Lee Pipe and stated storage was stored all around the property.

**Mr. Ruschke, PE**- States the years of operation for Lee Pipe and Capital should be known.

**Mr. Kasler, PP**- No questions

Open to board members

There were no questions from any board members on his testimony.

No public testimonies

**Peter Korzen** - Sworn in as a professional engineer. Mr. Korzen is referring to plans 205 and 305 done on June 3, 2016 and describes the current existing structure and the surroundings of the property. There are no environmental conditions that would impact this property. Mr. Korzen states that on the plans all parking spaces and trucks sizes are approximates and describes what currently is on the property. Mr. O'Neill states that any revised plans would show a more general sense of where the trucks would be located. Everything on site will be stored in bins. There would also be a fence put up on Walnut St and Hornbeck along with 6 ft. trees for privacy. It is stated from Mr. Korzen that making the turn from Rt. 46 onto the property would be very difficult for any size truck.

Open to the professionals

**John Ruschke, PE**- There were discussions on the right of way and some improvements that can be made with the DOT. Mr. Ruschke also states that the plans should locate where the generators would be approximately located along with the other materials on the property. Mr. Ruschke is requesting a wetland delineation if the applicants are changing the use.

**Jason Kasler, PP**- It was discussed about parking spaces and the location of storage bins. It is stated that the koi pond will also be removed from the property.

Open to board members

**Mbr. Caravaglia**- Questions about any storm water drainage for the property and Mr. Korzean does not feel it's necessary.

**Mbr. Roman**- Clarifies that there will be no new extended asphalt.

**Mbr. Napolitano**- States that a picture of the storage bins would be helpful for the board to view. Also questions if there could be an area designated for trucks to wait on the property. Mr. O'Neill states that is something they will look into.

**Mbr. Bergen**- Questions Mr. Kasler of how many parking spaces are required for this property. Mr. Kasler states that he would need to do some research and let the applicant know the required number. Clarified with Mr. O'Neill the diesel fuel tanks will be shown on the revised plans.

**Mbr. Fahrer**- Clarified no building changes are made on this application, but the sq. footage of asphalt needs to be changed on the plans. There were discussions of the size and location of the fence.

**Mbr. Moroney**- Clarifies with both Mr. Wiener and Mr. O'Neill nothing changes with the zones.

**Chr. Dankos**- No questions

**Mr. Kasler, PP**- Clarified the easement is 35ft and the current maximum easement is 25ft.

The application is going to be carried to May 17th, 2017 without further notice.
OLD BUSINESS
None
NEW BUSINESS
None

Meeting adjourned at 10:04

Board Secretary, Melissa Unrath