The Board of Adjustment of the Township of Denville held its scheduled regular meeting on Wednesday, February 5, 2020. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:00 P.M.

Secretary Unrath read NOTICE OF PUBLIC MEETING.

ROLL CALL:
Present: Dan Napolitano, Tim Wagner, Tim Fisher, Ed Moroney, Adam Caravaglia, Christine Hong, Chris Titze, Kurt Senesky, Krista Kussoff

Prof. Present: Larry Wiener, Jason Kasler, PP, Samantha Anello, PE

MINUTES:
Motion to approved the minutes from December 4, 2019, was made by Mbr. Fisher, seconded by, Mbr. Hong and unanimously approved by members able to vote.

Motion to approved the minutes from January 8, 2020, was made by Mbr. Hong, seconded by, Mbr. Fisher and unanimously approved by members able to vote.

PURCHASING:
Motion to pay vouchers submitted by Mott MacDonald subject to the availability of funds, was made by Mbr. Moroney, seconded by Mbr. Hong 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. Moroney, seconded by Mbr. Hong and unanimously approved by members able to vote.

RESOLUTIONS:
BA 19-41 Joseph & Adrianne Whitney
4 Wetmore Dr
Block 60506, Lot 2
A motion to approve a resolution of approval was made by Mbr. Fisher, seconded by Mbr. Wagner and by all board members able to vote.
AYES- Fisher, Wagner, Caravaglia, Moroney, Titze, Napolitano

BA/PSPS/FSP 18-20 Outfront Media LLC
2980 Route 10
Block 31501, Lot 10
A motion to approve a resolution of approval was made by Mbr. Moroney, seconded by Mbr. Hong and by all board members able to vote.
AYES- Moroney, Hong, Fisher, Kussoff, Caravaglia, Napolitano

PUBLIC HEARING
BA 19-43  Niles Furlong  7 Sunset Trail  Block 41112, Lot 137

Jason Kasler stated that his stepdaughter attends the school Mr. Furlong works, but there is no conflict regarding the application.

Niles & Marcie Furlong (7 Sunset Trail)- The applicant is seeking a 10x14 shed in the front of the property for extra storage. There is an existing deck in the backyard and shed would not fit there as well. The characteristic of the shed fits with the surrounding neighborhood. Mr. Furlong stated this shed would not be used as a living space and there would be no electric or plumbing hookups. The shed would be placed on existing stone.

Open to Board Professionals

Samantha Anello, PE- Expressed concern for any water runoff and to drain away from the neighboring properties.

Jason Kasler, PP- Clarified the tree at that was on existing survey is longer on the property.

Open to Board Professionals

Mbr. Senesky- Clarified that this is a narrow land and it is fully developed.

Mbr. Caravaglia- Questioned if there are other residents in the area with shed located in the front yard and the applicant stated yes.

Mbr. Hong- Questioned if the shed in the back of the property would remain and Mr. Furlong stated that shed would remain, but the other containers around the property would be removed. It was discussed a shed could possibly fit in the backyard but the lots are so narrow it wouldn’t fit between the 2 houses.

Mbr. Moroney- Questioned the height of the shed and it was stated the height would be 8ft.

Larry Wiener clarified with the applicants that the plans submitted to the board is exactly the proposal.

It was stated that as a condition to have the applicants update their survey with all accessory structures.

A motion to approve this application was made by Mbr. Moroney, seconded by Mbr. Hong and approved by all members able to vote.

AYES- Moroney, Hong, Fisher, Caravaglia, Wagner, Napolitano

BA/ PSP/FSP 19-39  Can Community Health  295-315 East Main St  Block 30609, Lot 1

Jason Rittie, Esq- Representing the applicant. The applicant is for a preliminary and final site plan and (2) Use variances. The building was formally used as a car dealership, but has been vacant for 5 yrs. The property is located in an I1 zone. The interior of the building would be renovated for medical and dental offices, along with in an in-house pharmacy. There would also be a 12,190sq ft 2nd floor proposed. The exterior of the building is also proposed to be updated. The applicant would be partnering with Nj Aid Services and Mail- Med Clinical Pharmacy. The Use variances being requested are for the in-house pharmacy which is considered an accessory to the permitted use. The other Use variance is the floor area ratio which exceeds 25%. The applicant is also requesting bulk variances in regards to parking and pre-existing nonconforming uses.
Laurie Litt – (14 Karen Place)- CEO NJ Aids Services. This organization has been operating for more than 25 years and has seen a dramatic change with the disease and patients are living a longer and healthier life with the advances of medication. The NJ Aids Services provide support groups and counseling. Ms. Litt stated there are currently 37,800 people in NJ living with HIV and 13,100 in Morris Essex and Warren County. The main goal of this organization and others is to stop the spread of HIV. It was explained that this location is perfect with public transportation being so close to the building and working with the Denville Community.

Rick Carlisle (5948 Riverview Boulevard) – President and CEO of Can Community Health. Can Community Health is a 5013c nonprofit organization. It provides a full service for people living with HIV and other STDs. It operates in 7 states with a total of 34 clinics. Mr. Carlisle stated that there is such a stigma associated with this disease that 50% of people living with HIV will not get the treatment they need. Can Community Health want to provide people with a one stop shop and provide a full service with testing, counseling and full medical team. This organization is the 3rd largest provider for HIV. It was explained that most of their patients do not drive and take public transposition. This origination is also partnered with Uber medical.

Mr. Patel (1375 Sautern drive) – Vice President an CEOO of Can Community Health. Can Community Health would operate during normal business hours, Monday – Friday 8am- 5:30 pm and some support groups meeting Saturday and Sunday. There would be a total of 50- 60 people on site between Can Community Health, NJ Aid Services and Mail Med Pharmacy. It was stated by Mr. Patel that 75 spaces would be sufficient for the needs of this clinic. There would be no overnight stays at this facility or surgery. The medicine would be delivered from a cargo van. A specific medical waste company would come to dispense all medical waste. The medical team would need the appropriate licensing and the pharmacists would need the appropriate retail licensing. Mail Med Clinical Pharmacy is majority owned by Can Community Health. The pharmacy would be used first and emergency dosages. Then most of the medication is mailed to their patients. The pharmacy is strictly only for medication and the hours would be the same as the clinic.

Open to Board Professionals

Jason Kasler, PP- It was clarified that this pharmacy does allow walk ins but Mr. Patel stated that in his years of the service he has never seen a walk-in customer. It was testified to that the pharmacy would have their own security with hurricane shutters and secure locks on all doors.

Open to Board Members

Mbr. Hong- It was stated that the community rooms are for the NJ Aids Services support groups and not available to the public.

Mbr. Moroney- It was clarified the medical waste would be for blood work and some medication requires injections. The hours of operation for Can Community Clinic would 8-5:30pm with some hours on Saturday and Sunday. The NJ Aids Services would be till 8pm with some weekend hours.

Mbr. Fisher- Questioned if there were any medical services done at this site and it was stated that there is not.

Mbr. Senesky- Expressed concern for the amount of uses at this facility with the limited amount of parking.

Mbr. Caravaglia- Questioned where the highest population of patients of HIV are located and it was stated that they are in Essex, but has had a clinic in Morristown for 26yrs and it is centrally located. It was questioned if the patients could just use CVS. Mr. Patel stated that they do have partnership with CVS but either the patients don’t use CVS or they don’t carry the medication. Mr. Carlisle stated that there is still
such a stigma with HIV that the patients are too embarrassed to pick up the medication. It was explained that the patients use Mail Meds because the majority of the time the medication is mailed to them directly.

Jason Rittie questioned Mr. Patel of the exact number of employees for all the businesses using the facility. It was stated that Can Community Health has about 6-10 employees, Nj Aids services would have 12-15 clients staggered and the Mail Meds would have 3 employees. Can Community would have 8-12 patients staggered throughout the day.

Mbr. Wagner- Questioned what would happen if there would be new clients and how it would affect those number of parking spaces. Mr. Carlisle stated that their main goal is to treat as many patients as possible and Denville is not the only facility they would be working on. Can Community Health is trying to grow in all different locations not only in New Jersey but to other “hot spots”. It was explained that some of the appointments could last about 1hr & 30 Minutes so they try not to book too many patients in one day.

It was discussed that Can Community Health and Nj Aid Services pay for all transportation needs for their clients. The organizations hope to get a monthly bus and train pass for their clients. There is also a driver on site that picks up the clients or use Lyft/ Uber medical. Mr. Titze stated that he is concerned about the traffic in that area and Ubers maneuvering their way around.

Open to Public for questions

Mark Venis (29 Manor Rd) Questioned if there was cap on the amount of people in the building at one time. Ms. Letti stated they would access the building and events to see how many people would fit in the area. Mr. Venis questioned if there was a discussion on perhaps a 1 way in and out of the building.

Next Witness

Gerard Gesario (42 Okner Parkway, Livingston) - Sworn in a professional engineer. Showed exhibit A1 which is an aerial photo of the property. The lot is approximately 1.62 acres and is irregularly shaped. The property has frontages on Estling Lake Rd and Route 53 and there is in an ingress/ egress coming out of both driveways. The building has been vacant for approximately 5 yrs. The property currently has stripping for 34 spots and the rest is asphalt. Showed exhibit A2 which is a color rendition of the proposed site plan. The site plan is C200 in the application. Mr. Gesario stated that there would be no change to the driveways regarding ingress/ egress. The parking would be restriped to 75 spaces. The pavement by Estling Lake Rd would be expanded to 11 spaces and by Rt 53 the pavement would be expanded for 10 spaces. There are 3 ADA compliant parking stalls proposed by the front of the building. All the parking stall would be 9x 18ft which does require a design waiver. There is 3,000 sq. ft of payment to be added around the building. The existing trash exposure would remain the same. The fence would be replaced to a 6ft chain link fence. The proposal is to add approximately 90 additional trees and shrubbery around the property. The applicant is proposing to use the monument sign that currently exists in front of the property and the 14 light poles. However, the light poles would be adjusted around the property for a safety purpose. The lamps would be changed to LED. There is currently an existing trench drain on by Route 53 that would remain and no additional stormwater drainage is proposed. The applicant is proposing to use the existing utilities for water and sewer.

Open to Board Professionals

Samantha Anello, PE- Stated there should be signage directly patients/ employees that there is additional parking towards the rear of the building. It was also mentioned to put the fire lane on the proposed plans. Ms. Anello stated that Mr. Gesario would comply to all the recommendations made in the 11/6/19 Mott Macdonald report. Ms. Anello questioned if the parking spaces were 10 x12 how many spaces would the building loose and it was stated that 7-8 spaces would be eliminated.

Jason Kasler, PP- Questioned the furthest point of the property to the front entrance and it was stated that it is approximately 300ft.
Open to Board members

Mbr. Caravaglia- Questioned if the lights were to be shut off at a certain time. Mr. Rittie stated that applicants have no objection to shut the lights off at night unless there is a special event. There would always be security light on. It was discussed that if another business were to purchase this property, they too were need to demonstrate their parking requirements. Mr. Gesario stated this property would not generate a large traffic impact.

Mbr. Titze- Questioned if a pedestrian access plan was submitted and it was stated that it was not. Mr. Titze recommended adding more sidewalks or stripping for pedestrians. It was questioned and answered that a one-way entrance was not looked at for this application.

Mbr. Hong- It was discussed that the fence closest to the railroad would be replaced if it was on their property.

Mbr. Moroney- It was discussed that the 14 existing light poles would be disbursed around the property.

Mbr. Fisher- Stated he was also in favor of having 1 egress and ingress coming from Estling Lake Rd and Route 53.

Chr. Napolitano- Clarified with the applicant that they would comply with the comments made by the Fire Department.

Open to public for questions

Andrew Scerna (228 Franklin Rd) – It was questioned if the access lane would be large enough for 2 passing cars and it was stated that it is 27ft in width and would be adequate for 2 cars.

Break 9:09 - 9:16

Erwin Kiezel (42 Okner Parkway) Sworn in as professional architect. Mr. Kiezel stated there would be an accessible route for all pedestrian walkways form all public transportation. The walkways would be code compliant. Showed Exhibit A3 which are the architectural drawings. It shows the building with a fresh new look with new windows. The floor plans shown is what was submitted to the board. The first floor would have a waiting room, nurses’ station, reception, dental area, lab and administration offices. There would also be a separate entrance for the pharmacy. The proposed second would stay with the existing mass of the building. The second floor would have offices, lunchroom, meeting/consultation room and an event space. There would be an ADA compliant elevation. The whole building would be code compliant.

Open to Board Professionals

Jason Kasler, PP – It questioned why there are 9 exam room and dental rooms. It was stated that the patient visit times could vary from 2hrs to 5 minutes. It was clarified the kitchen. It was clarified the kitchen would not be used as a full cafeteria.

Open to Board Members

Mbr. Hong- Clarified that the first floor is for Can Community Health and the 2nd floor is for NJAS. It was discussed that there are additional rooms for Can Community because they have for training employees and other activities.

Mbr. Kussoff- It was discussed to extend the asphalt to the sidewalks.

Chr. Napolitano- Questioned the need for so many exam rooms and Mr. Carlisle stated that for everyone 1 patient there are 3 exam rooms. The main goal for Can Community Heath and New Jersey Aid Services is to stop the spread of HIV and
Stop the spreading but still treat the patients with the virus.

Next Witness

**John McDonough, PP**- Sworn in as professional planner. The D1 variance being requested is for the pharmacy use which is a retail use and not permitted. This type of use a specialized form of care. The bigger variance relief for this application is for the D3 which is for floor area ratio and the parking required. It was testified from the applicant that both Can Community Health and New Jersey Aids Services would utilize all of the additional floor area. Mr. McDonough showed exhibit A4 which are a variety of maps surrounding the property and the existing conditions of the site. The current site is not advancing the purposes of the zone plan by being vacant for five years. The photos show the lot is irregularly shaped and split by a gas station. Photo 4 shows the property is located in an I-1 zone where a retail use is not permitted and requiring a variance from the applicant. The application promotes public health and does not cause a determinate to the public good. This type of application provides a variety of different uses. Mr. McDonough stated the parking required will meet the demand for the use and goes in correlation with the Master Plan.

The meeting will be carried to March 18th without further notice.

**OLD BUSINESS** - None

**NEW BUSINESS** - None

Meeting adjourned at 10:10 PM
Minutes Approved: March 4, 2020
Melissa Unrath, Board Secretary.