TOWNSHIP OF DENVILLE  MUNICIPAL COUNCIL  REGULAR MEETING
7:30 P.M.  DATE  JULY 16, 2013

PUBLIC COMMENTS:
COUNCIL REQUESTS THAT PUBLIC COMMENTS BE LIMITED TO (3) THREE MINUTES PER PERSON

PRESENTATIONS:
COUNCIL REQUESTS THAT PRESENTATIONS BE LIMITED TO (30) MINUTES OR LESS AND MUST BE PRE-ARRANGED WITH THE MUNICIPAL CLERK

SALUTE TO THE FLAG INVOCATION
NOTICE OF PUBLIC MEETING ROLL CALL
KUSER_________GABEL_________GOLINSKI_________LYDEN_________
SCOLLANS_________SMITH_________PRESIDENT FITZPATRICK_________
IN ATTENDANCE
MAYOR ANDES_________ADMINISTRATOR WARD_________
TOWNSHIP ATTORNEY
OTHERS:

CEREMONIAL MATTERS AND/OR PRESENTATIONS

• BOARD OF ADJUSTMENT MEMBER INTERVIEWS

• JOHN RUSCHKE, PE, PP, PRESENTATION ON DOWNTOWN STREET SCAPES IMPROVEMENTS PHASE I - NJDOT ENHANCEMENT GRANT

ouncil Liaison/Committee Reports

Mayor's Report
ADMINISTRATOR'S REPORT

PUBLIC PORTION

CORRESPONDENCE

MATTERS OF OLD AND/OR NEW BUSINESS

_ORDINANCE(S) FOR ADOPTION_

#15-13
TITLE:
AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND CHARGES AND CHAPTER V, ANIMAL CONTROL, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE

#16-13
TITLE:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $120,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE

_ORDINANCE(S) FOR INTRODUCTION_

R-13-154  RESOLUTION RELATING TO ORDINANCE #17-13:
RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE TOWNSHIP AS AN AREA IN NEED OF REHABILITATION
#17-13
TITLE:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND USE, TO IMPLEMENT THE ESTLING LAKE REHABILITATION PLAN

#18-13
TITLE:
AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND CHARGES, CHAPTER VII, TRAFFIC AND CHAPTER VIII, PARKING LOTS AND PARKING METERS, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE, WITH RESPECT TO PARKING AND PARKING LOTS

#19-13
TITLE:
AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, IN ORDER TO CONTROL THE LOCATION OF HOTELS IN THE TOWNSHIP OF DENVILLE

ITEMS FOR DISCUSSION AND/OR ACTION

RESOLUTIONS  # CONSENT AGENDA ITEMS

R-13-155#  RESOLUTION AUTHORIZING CHANGE ORDER #1 TO THE CONTRACT BETWEEN THE TOWNSHIP OF DENVILLE AND RIEFOLO CONSTRUCTION COMPANY RELATIVE TO THE VALLEY VIEW FIRE COMPANY #3

R-13-156#  RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING A SALE WITH GOV DEALS OF VARIOUS ITEMS OF MUNICIPAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE
R-13-157# RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE

R-13-158# RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $1,196.93

R-13-159# RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE

R-13-160# RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT FEE IN THE AMOUNT OF $93.00

R-13-161# RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID FOR CALENDAR YEAR 2012 IN THE AMOUNT OF $884.67

NON-CONSENT RESOLUTIONS

R-13-162 RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR GENERAL CONTRACTING CONSTRUCTION SERVICES TO GL GROUP, INC.

R-13-163 RESOLUTION AUTHORIZING CHANGE ORDER #2 IN THE AMOUNT OF $20,000 TO REPLACE UNSUITABLE SOIL WITH STONE AS WELL AS TO PERFORM EXTERIOR WALL MODIFICATIONS AT VALLEY VIEW FIRE COMPANY #3

R-13-164 RESOLUTION AUTHORIZING SHARED SERVICE AGREEMENT FOR THE PRODUCTION AND MAINTENANCE OF DIGITAL PROPERTY TAX MAPS BETWEEN THE TOWNSHIP OF DENVILLE AND THE COUNTY OF MORRIS

R-13-165 RESOLUTION AUTHORIZING AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH HATCH MOTT MACDONALD FOR DEVELOPMENT OF A FLOOD RISK REDUCTION CONCEPT FOR DENVILLE CENTER IN THE AMOUNT OF $25,000
R-13-166  RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION – N.J.S.A. 40A:4-87

R-13-167  RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY – TOTAL $46,380.50

R-13-168  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $10,562.26

R-13-169  RESOLUTION AUTHORIZING ENGINEERING SERVICES IN CONNECTION WITH THE DESIGN AND BID PERIOD SERVICES OF THE BROADWAY STREETSCAPE PROJECT – PHASE 1

R-13-170  RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE IN THE AMOUNT OF $28,878.88

MINUTES FOR ADOPTION  6-18-13  6-25-13

MOTION TO ADJOURN
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND CHARGES AND CHAPTER V, ANIMAL CONTROL, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE

BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:

COUNCIL PRESIDENT: MOTION TO READ BY TITLE
ROLL CALL
OPEN PUBLIC HEARING
CLOSE PUBLIC HEARING

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND CHARGES AND CHAPTER V, ANIMAL CONTROL, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE

BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE JULY 24, 2013 ISSUE OF THE CITIZEN.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

ORDINANCE # 15-13
AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND CHARGES AND CHAPTER V, ANIMAL CONTROL, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE

NOTICE IS HEREBY GIVEN THAT THE ABOVE ENTITLED ORDINANCE WAS REGULARLY, DULY AND FINALLY PASSED AT A MEETING OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY, HELD ON 7-16-13

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
ORDINANCE NO. 15-13

AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND CHARGES AND CHAPTER V, ANIMAL CONTROL, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE

BE IT ORDAINED, by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter II-A, Fees, Rates and Charges, Sections 2A-5, Animal Control, of the General Ordinances of the Township of Denville are hereby amended to read as follows:

<table>
<thead>
<tr>
<th>2A-5, Animal Control</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dog License Fee (neutered) on or before January 31</td>
<td>$ 15.00</td>
</tr>
<tr>
<td>Late Fee (neutered) after January 31</td>
<td>$ 40.00</td>
</tr>
<tr>
<td>Dog License Fee (unneutered) on or before January 31</td>
<td>$ 18.00</td>
</tr>
<tr>
<td>Late Fee (unneutered) after January 31</td>
<td>$ 43.00</td>
</tr>
<tr>
<td>Potentially Dangerous Dog License</td>
<td>$ 700.00</td>
</tr>
<tr>
<td>Cat License Fee (neutered) on or before June 30</td>
<td>$ 15.00</td>
</tr>
<tr>
<td>Late Fee (neutered) after June 30</td>
<td>$ 40.00</td>
</tr>
<tr>
<td>Cat License Fee (unneutered) on or before June 30</td>
<td>$ 18.00</td>
</tr>
<tr>
<td>Late Fee (unneutered) after June 30</td>
<td>$ 43.00</td>
</tr>
<tr>
<td>Animal Boarding Fee</td>
<td>$4.00 per day</td>
</tr>
<tr>
<td>Maintenance and upkeep</td>
<td>$8.00 per day</td>
</tr>
<tr>
<td>Kennel License Fee (up to 10 dogs)</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>Kennel License Fee (more than 10 dogs)</td>
<td>$ 25.00</td>
</tr>
<tr>
<td>Pet/animal supply establishment</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>Pet Shop-With Animals</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>Impoundment Fee for Potentially Dangerous or Vicious Dog</td>
<td>$15.00 per day</td>
</tr>
<tr>
<td>Animal Recovery Fee</td>
<td>$ 25.00</td>
</tr>
<tr>
<td>Replacement Tag</td>
<td>$ 1.00</td>
</tr>
<tr>
<td>Transfer Tag</td>
<td>$ 1.00</td>
</tr>
<tr>
<td>All Summonsnes</td>
<td></td>
</tr>
<tr>
<td>(Ord. §§5-1 thru 5-13)</td>
<td>$ 50.00</td>
</tr>
<tr>
<td>NOTE: All other fees by State Statute</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 2. Chapter V, Animal Control, shall be amended in the following particulars only:
a. Section 5-1, Definitions, item k., “Pet shop” shall be amended to read as follows:

“Pet shop” shall mean any place of business which is not part of a kennel, wherein animals, including but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.”

b. Section 5-1, Definitions, is hereby amended and supplemented by the addition of a new definition, “Pet/animal supply establishment” to read as follows:

“Pet/animal supply establishment” shall mean any place of business which sells supplies and food products for pets and animals but does not sell any animal of any kind.

SECTION 3. All Ordinances of the Township of Denville which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause of phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

ATTEST:                              APPROVED:

DONNA I. COSTELLO, RMC/CMC          MAYOR THOMAS W. ANDES
MUNICIPAL CLERK                     TOWNSHIP OF DENVILLE

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on _____________, 2013

Donna I. Costello, RMC/CMC
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN
THE SUM OF $120,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF
THE TOWNSHIP OF DENVILLE
BE READ BY TITLE ON SECOND READING AND A HEARING HELD
THEREON:

COUNCIL PRESIDENT: MOTION TO READ BY TITLE
ROLL CALL
OPEN PUBLIC HEARING
CLOSE PUBLIC HEARING

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN
THE SUM OF $120,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF
THE TOWNSHIP OF DENVILLE

BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE JULY 24, 2013 ISSUE OF THE CITIZEN.

COUNCIL PRESIDENT: MOTION TO ADOPT
ROLL CALL ON ADOPTION

ORDINANCE # 16-13
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN
THE SUM OF $120,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF
THE TOWNSHIP OF DENVILLE

NOTICE IS HEREBY GIVEN THAT THE ABOVE ENTITLED ORDINANCE WAS
REGULARLY, DULY AND FINALLY PASSED AT A MEETING OF THE
MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE, COUNTY OF
MORRIS AND STATE OF NEW JERSEY, HELD ON 7-16-13

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE SUM OF $120,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE

BE IT ORDAINED, by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey as follows:

SECTION 1. The sum of $120,000 is hereby appropriated from the Sewer Capital Improvement Fund of the Township of Denville for the purposes set forth in Section 2 of this Ordinance.

SECTION 2. The improvements authorized to be paid by this Ordinance include Utility Box 4X4 1-Ton Truck $50,000 and Dump Truck $70,000 for items located in and for the Township and all work necessary in connection therewith.

SECTION 3. No debt is to be authorized by the enactment and passage of this Ordinance.

SECTION 4. The capital budget of the Township of Denville is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

SECTION 5. All Ordinances of the Township of Denville which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.
BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK

ATTEST:                        APPROVED:

DONNA I. COSTELLO, RMC/CMC    MAYOR THOMAS ANDRES
MUNICIPAL CLERK              TOWNSHIP OF DENVILLE
RESOLUTION DESIGNATING CERTAIN PROPERTY
IN THE TOWNSHIP AS AN AREA IN NEED OF REHABILITATION

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the LRHL, the Governing Body of the Township of Denville (the “Governing Body”) has determined that Block 30601 Lot 6 in the Township of Denville, in the County of Morris (the “Property”) should be designated as an area in need of rehabilitation (the “Rehabilitation Area”); and

WHEREAS, N.J.S.A. 40A:12A-14 provides that prior to the adoption of a resolution designating the Rehabilitation Area as an area in need of rehabilitation, the Governing Body must first submit a copy of the proposed resolution designating the Rehabilitation Area as an area in need of rehabilitation to the Township Planning Board for review; and

WHEREAS, the Governing Body, acting by resolution, referred a copy of this resolution to the Township Planning Board for review and comment pursuant to N.J.S.A. 40A:12A-14; and

WHEREAS, based upon the findings of this Report, the Governing Body found that the Rehabilitation Area satisfied the statutory criteria to be designated as an area in need of rehabilitation; and

WHEREAS, the Planning Board reviewed this resolution and recommends its adoption and the designation of the Rehabilitation Area as an area in need of rehabilitation in accordance with N.J.S.A. 40A:12A-14.

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Denville as follows:

1. Designation of the Area. The Municipal Council hereby designates the Rehabilitation Area as an area in need of rehabilitation.

2. Transmittal of Resolution to State Department of Community Affairs. The Municipal Council hereby directs that the Township Clerk transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs for review in accordance with the LRHL.

3. Effective Date. This resolution shall take effect immediately.
ORDINANCE # 17-13

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF
MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND
USE, TO IMPLEMENT THE ESTLING LAKE REHABILITATION PLAN

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

COUNCIL PRESIDENT: MOTION TO INTRODUCE
DISCUSSION ON ORDINANCE
ROLL CALL ON INTRODUCTION

BE IT RESOLVED THAT AN ORDINANCE ENTITLED
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF
MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND
USE, TO IMPLEMENT THE ESTLING LAKE REHABILITATION PLAN

BE PASSED ON FIRST READING

BE IT FURTHER RESOLVED THAT SAID ORDINANCE SHALL BE
CONSIDERED FOR FINAL PASSAGE AT THE MEETING OF THE
MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE ON 8-19-13 AT
7:30 P.M. IN THE EVENING, PREVAILING TIME, AT THE MUNICIPAL
BUILDING IN SAID TOWNSHIP OF DENVILLE AT WHICH TIME AND
PLACE ALL PERSONS INTERESTED SHALL BE GIVEN AN
OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE.

BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE
AUTHORIZED AND DIRECTED TO ADVERTISE THIS ORDINANCE IN THE
CITIZEN ACCORDING TO LAW.

COUNCIL PRESIDENT: MOTION TO PASS ON FIRST READING
ROLL CALL
ORDINANCE # 17-13

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY TO AMEND CHAPTER 19, LAND USE, TO IMPLEMENT THE ESTLING LAKE REHABILITATION PLAN

WHEREAS, the Municipal Council has adopted a resolution designating Block 30601, Lot 6 as an area in need of rehabilitation.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey as follows:

SECTION 1. Chapter 19, Land Use, Article 1, General Provisions, §19-1.2, Definitions, is hereby amended and supplemented in the following particulars only:

a. The following terms are hereby added:

   “Patio or Terrace” A level, landscaped, and/or surfaced area directly adjacent to a building and not covered by a permanent roof that is designed for or intended to be utilized for outdoor enjoyment.”

b. The definitions of “Building Height” and “Story, half” are hereby amended to read as follows:

   “Building height” shall mean the vertical distance from the average grade to the top of the highest roof beams of a flat roof, the top most portion of any facade, knee wall or similar structure, or the mean level of the highest gable or slope of a hip, mansard, or gambrel roof.”

   “Story, half shall mean a partial story under a mansard, gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4’) feet above the floor of such story.”

SECTION 2. Chapter 19, Land Use, Article 5, Zone Regulations, §19-5.5, Map and Schedule, Schedule Area, Yard and Bulk Requirements, is hereby amended to include the following: “Estling Lake Rehabilitation Area - see section 19-5.28 for area requirements.”
SECTION 3. Chapter 19, Land Use, Article 5, Zone Regulations, §19-5.28,
Reserved, is hereby amended and supplemented to read as follows:

"§19-5.28 Estling Lake Rehabilitation Area

a. Intent and Purpose. The purpose of this Section is to implement the
Estling Lake Rehabilitation Plan.

b. Applicability. The provisions of this section shall apply only to Block
30601 Lot 6.

c. Permitted Uses
The redevelopment of this site shall contain one of the following permitted
uses:
1. Single Family Residential Units
2. Garden Apartments
3. Townhouse dwelling units
4. Mid Rise Apartments

d. Permitted Accessory Uses

Any and all uses of land that are customarily, habitually, and by long
practice, as established by reasonable association with, incidental
and subordinate to the principal use of the property, including, but not
limited to the following:
1. Decks
2. Patios/Terraces
3. Gate House / Guard Booth / Welcome Booth
4. Clubhouse
5. Passive and active recreation
6. Open Space

e. Density
Single family development shall follow density requirements for the R-3
zone district but in no event shall exceed 6 dwelling units per acre.
Multi family development of this site allows a maximum of 100 dwelling
units be constructed on site.

f. Bulk Standards

1. For single family residential development, the bulk standards
found in the R-3 zone shall apply.

2. For multi-family dwellings the following bulk standards shall apply:

Principal Building Setbacks:
Front yard setback (from Estling Lake right-of-way) 25 feet
<table>
<thead>
<tr>
<th>Feature</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side yard setback</td>
<td>20 feet</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>20 feet</td>
</tr>
<tr>
<td>Accessory Building Setbacks:</td>
<td></td>
</tr>
<tr>
<td>Front yard setback (from Estling Lake right-of-way)</td>
<td>50 feet</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>20 feet</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>5 feet</td>
</tr>
<tr>
<td>Parking spaces Setbacks:</td>
<td></td>
</tr>
<tr>
<td>Front yard setback (from Estling Lake right-of-way)</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>20 feet</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>5 feet</td>
</tr>
<tr>
<td>Building to building minimum distance*</td>
<td>25 feet</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 feet</td>
</tr>
<tr>
<td>Maximum Coverage:</td>
<td></td>
</tr>
<tr>
<td>Building Coverage</td>
<td>25%</td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>65%</td>
</tr>
</tbody>
</table>

*This measurement shall be the shortest distance between the two buildings including decks, balconies, or other projections from the building façade.

Units per building:
In any multi-family dwelling there shall be no more than eight units per building.

Bedroom Distribution:
In any multi-family development there shall be the following distribution of bedrooms:
One (1) bedrooms: 40 percent of the development.
Two (2) bedrooms: 60 percent of the development.
In no case shall any building contain only one bedroom dwellings.

g. **Open Space Requirement**
There shall be a minimum of 25 percent of the site to be left in a natural or landscaped open area.

h. **Trash**
Each dwelling unit must be designed so as to have a dedicated location for the interior storage of trash or designed in such a way that said trash shall be stored in a dedicated exterior storage facility. If there is no interior trash storage provided for, said external facility shall be constructed in such a way as to be a part of the building with no dissertation between construction material, shall be designed for the trash of a signal unit, and designed in such a way as to prevent wildlife from...
gaining access. In no instance shall trash be stored outside and in no
case shall dumpsters be permitted.

i. **Mailboxes**
Mailboxes must be provided in either gang mailboxes or located in a club
house, or other type of facility.

j. **Parking**
The parking requirements shall comport with the Residential Site
Improvement Standards (RSIS). All parking spaces located within a
detached garage shall be separated from adjacent parking spaces so as
to provide a secured parking space. No more than 40 percent of all
garaged parking spaces may be located in detached garages.”

**SECTION 4.** The Township Clerk is hereby directed to give notice at least ten
days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all
other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required).
Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further
directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally
adopted with the Morris County Planning Board as required by N.J.S. 40:55D-16. The Clerk
shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax
Assessor as required by N.J.S. 40:49-2.1.

**SECTION 5.** All ordinances of the Township of Denville, which are inconsistent with
the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 6.** If any section, subsection, sentence, clause or phrase of this
Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the
remaining portions of this Ordinance.

**SECTION 7.** This Ordinance may be renumbered for purposes of codification.

**SECTION 8.** This Ordinance shall take effect immediately upon final passage,
approval, and publication as required by law.
BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

ATTEST:

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK

APPROVED:

MAYOR THOMAS W. ANDES
TOWNSHIP OF DENVILLE

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on _____________, 2013

Dated: ________________

Donna I. Costello, RMC/CMC
ORDINANCE # 18-13

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND
CHARGES, CHAPTER VII, TRAFFIC AND CHAPTER VIII, PARKING LOTS
AND PARKING METERS, OF THE GENERAL ORDINANCES OF THE
TOWNSHIP OF DENVILLE, WITH RESPECT TO PARKING AND PARKING
LOTS

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

COUNCIL PRESIDENT: MOTION TO INTRODUCE
DISCUSSION ON ORDINANCE
ROLL CALL ON INTRODUCTION

BE IT RESOLVED THAT AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND
CHARGES, CHAPTER VII, TRAFFIC AND CHAPTER VIII, PARKING LOTS
AND PARKING METERS, OF THE GENERAL ORDINANCES OF THE
TOWNSHIP OF DENVILLE, WITH RESPECT TO PARKING AND PARKING
LOTS

BE PASSED ON FIRST READING

BE IT FURTHER RESOLVED THAT SAID ORDINANCE SHALL BE
CONSIDERED FOR FINAL PASSAGE AT THE MEETING OF THE
MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE ON 8-13-13 AT
7:30 P.M. IN THE EVENING, PREVAILING TIME, AT THE MUNICIPAL
BUILDING IN SAID TOWNSHIP OF DENVILLE AT WHICH TIME AND
PLACE ALL PERSONS INTERESTED SHALL BE GIVEN AN
OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE.

BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE
AUTHORIZED AND DIRECTED TO ADVERTISE THIS ORDINANCE IN THE
CITIZEN ACCORDING TO LAW.

COUNCIL PRESIDENT: MOTION TO PASS ON FIRST READING
ROLL CALL
#18-13

AN ORDINANCE TO AMEND CHAPTER II-A, FEES, RATES AND CHARGES, CHAPTER VII, TRAFFIC AND CHAPTER VIII, PARKING LOTS AND PARKING METERS, OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF DENVILLE, WITH RESPECT TO PARKING AND PARKING LOTS

BE IT ORDAINED, by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, as follows:

SECTION 1. Chapter II-A, Fees, Rates and Charges, Section 2A-2, General Township Fees, is hereby amended to read as follows:

"Service charge for returned checks............$30.00
Overtime parking.............................$35.00
Parking meter....................................$0.25/hour"

SECTION 2. Chapter VII, Traffic, Section 7-3, Parking, Subsection 7-3.4, Parking Time Limited on Certain Streets, Schedule IV, is hereby amended and supplemented with regard to Second Avenue and Bloomfield Avenue only to read as follows:

<table>
<thead>
<tr>
<th>&quot;Name of Street&quot;</th>
<th>Side</th>
<th>Time</th>
<th>Hours</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloomfield Avenue</td>
<td>Both</td>
<td>2 hours</td>
<td>9:00 a.m. to 6:00 p.m.</td>
<td>From the easterly curbline of Route 53 easterly to Broadway northerly curbline</td>
</tr>
<tr>
<td>Bloomfield Avenue</td>
<td>North</td>
<td>2 hours</td>
<td>9:00 a.m. to 6:00 p.m.</td>
<td>From the easterly curbline of Route 46 to a point 850 feet west therefrom</td>
</tr>
<tr>
<td>Bloomfield Avenue</td>
<td>South</td>
<td>2 hours</td>
<td>9:00 a.m. to 6:00 p.m.</td>
<td>From the easterly curbline of Route 46 to a point 750 feet west therefrom</td>
</tr>
<tr>
<td>Second Avenue</td>
<td>East</td>
<td>1 hour</td>
<td>9:00 a.m. to 6:00 p.m.</td>
<td>300 feet from Broadway north to Third Avenue</td>
</tr>
<tr>
<td>Second Avenue</td>
<td>West</td>
<td>1 hour</td>
<td>9:00 a.m. to 6:00 p.m.</td>
<td>255 feet north from Broadway</td>
</tr>
<tr>
<td>Second Avenue</td>
<td>East</td>
<td>2 hours</td>
<td>9:00 a.m. to 6:00 p.m.</td>
<td>from a point 300 feet north of Broadway to Diamond Spring Road</td>
</tr>
</tbody>
</table>
Second Avenue West 2 hours 9:00 a.m. to 6:00 p.m. from a point 255 feet north of Broadway to Diamond Spring Road

SECTION 3. Chapter VIII, Parking Lots and Parking Meters, Section 8-1, Township Parking Lots, is hereby amended in the following particulars only:

a. Subsection 8-1.3, Parking Permit, paragraph a, is hereby amended and supplemented to read as follows:

"a. The above permit requirement does not apply to the Church Street Lot designated in §8-2.5 and to the Savage Road Lot designated in §8-2.6."

b. Subsection 8-1.3, Parking Permit, paragraph d, is hereby amended to read as follows:

"d. Parking permits will be issued on a yearly, six month, monthly or daily basis for specific parking lot locations. Permit parking shall not be valid at any metered space unless money is put into the meter.

(1) Permits issued for the First Avenue Lot will be valid only in the First Avenue Lot.

(2) All other permits will be valid in the Bloomfield Avenue, West Main Street and Mt. Tabor Train Station Lots."

c. Subsection 8-1.5, Operation of Offstreet Parking Area, paragraphs a. and b., are hereby amended to read as follows:

"a. The Mt. Tabor Train Station lot designated in Section 8-2 shall be operated from 9:00 a.m. to 6:00 p.m. prevailing time, Monday through Friday during which period the legal parking limits shall apply.

b. The Bloomfield Avenue Lot, West Main Street Lot and the First Avenue Lot designated in section 8-2 shall be operated from 9:00 a.m. to 6:00 p.m. prevailing time Monday through Saturday during which period the legal parking limits and parking meter fees as set forth in Chapter IIA shall apply, provided that no vehicle which does not have a permit issued pursuant to Section 8-1 shall park for more than three hours in the First Avenue Lot."
d. Subsection 8-1.8, Removal of Vehicles, is hereby amended and supplemented to read as follows:

"8-1.8 Removal of Vehicles.

The Township and the Police Department shall have the right to remove from any offstreet parking area, any unattended vehicle parked or standing in an offstreet parking area not designated as a parking space; any unattended vehicle parked or standing in the westernmost three aisles of the Bloomfield Avenue Lot between the hours of 3:00 a.m. to 6:00 a.m.; or any unattended vehicle parked or standing in a designated parking space which has remained in the designated parking space for a period of 12 hours after a summons has issued charging a violation hereunder. When a vehicle is so removed from an offstreet parking area, the owner of the vehicle shall pay, before being entitled to recovery or possession of the vehicle, all reasonable charges for towing, storage and other expenses incurred in the removal of the vehicle."

e. Subsection 8-1.11, Penalties, is hereby amended and supplemented to read as follows:

"8-1.11. Penalties.

The following penalties shall apply to violations of this section 8-1:

Parking in unmarked space in violation of subsection 8-1.1a-f $35.00

Parking without a permit in violation of subsection 8-1.3 $35.00

Overtime parking in violation of subsections 8-1.5 b or 8-1.7 $35.00

Parking in violation of subsection 8-1.1g $35.00

Parking in violation of subsection 8-1.2h $35.00"

SECTION 4. Chapter VIII, Parking Lots and Parking Meters, Section 8-4, Cooks Pond Senior Housing Parking Lot, paragraph c. is hereby amended to read as follows:

"c. Any visitor to the Cooks Pond senior housing facility that is not a resident of the facility shall be permitted to park in the parking lot in any parking space that is not designated for resident parking. Any visitor who fails to park in the nonresident designated spaces shall be subject to a fine of Thirty-five ($35.00) dollars for parking in a space without the required
resident parking permit. In addition, the provisions of subsection 8-1.8 of this chapter shall apply to the Cooks Pond senior housing parking lot."

SECTION 5. All Ordinances of the Township of Denville, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, subsection, sentence, clause of phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 7. The provisions of this ordinance may be renumbered for purposes of codification.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

ATTEST: ________________________________

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK

APPROVED: ________________________________

MAYOR THOMAS W. ANDES
TOWNSHIP OF DENVILLE

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on _____________, 2013

Donna I. Costello, RMC/CMC
ORDINANCE # 19-13

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF
DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS,
IN ORDER TO CONTROL THE LOCATION OF HOTELS IN THE
TOWNSHIP OF DENVILLE

BE INTRODUCED AND READ BY TITLE ON FIRST READING:

COUNCIL PRESIDENT: MOTION TO INTRODUCE
DISCUSSION ON ORDINANCE
ROLL CALL ON INTRODUCTION

BE IT RESOLVED THAT AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF
DENVILLE, CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS,
IN ORDER TO CONTROL THE LOCATION OF HOTELS IN THE
TOWNSHIP OF DENVILLE

BE PASSED ON FIRST READING

BE IT FURTHER RESOLVED THAT SAID ORDINANCE SHALL BE
CONSIDERED FOR FINAL PASSAGE AT THE MEETING OF THE
MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE ON 8-13-13 AT
7:30 P.M. IN THE EVENING, PREVAILING TIME, AT THE MUNICIPAL
BUILDING IN SAID TOWNSHIP OF DENVILLE AT WHICH TIME AND
PLACE ALL PERSONS INTERESTED SHALL BE GIVEN AN
OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE.

BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE
AUTHORIZED AND DIRECTED TO ADVERTISE THIS ORDINANCE IN THE
CITIZEN ACCORDING TO LAW.

COUNCIL PRESIDENT: MOTION TO PASS ON FIRST READING
ROLL CALL
AN ORDINANCE TO AMEND THE CODE OF THE
TOWNSHIP OF DENVILLE, CHAPTER 19, LAND USE,
ARTICLE 5, ZONE REGULATIONS, IN ORDER TO
CONTROL THE LOCATION OF HOTELS IN THE
TOWNSHIP OF DENVILLE

WHEREAS, it is the intent of this ordinance to control the location of hotels and motels in the Township of Denville. This ordinance removes motels as permitted uses in the Township of Denville and conditionally allows hotels in the I-2 zone only. The intent of this ordinance is to restrict the location of these uses to parcels within the municipality that would have access to the Federal Highway System without significant impact upon the local road network and hence this ordinance utilizes a distance requirement for access to a federal highway; and

WHEREAS, this ordinance also allows hotels to contain accessory uses in accordance with specific regulations. This ordinance utilizes a combination of floor area ratio, height limitations and maximum building footprints to control the total amount of development on a specific site. The ordinance implements a floor area ratio bonus for hotel uses in the I-2 zone. For each percent in excess of the minimum required landscaped area, this ordinance permits an additional two percent of floor area ratio to a maximum floor area ratio of 0.55. This ordinance intentionally does not allow for the maximization of the floor area ratio and building footprint at the same time in order to allow for flexibility in the design process.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 19, Land Use, of the Code of the Township of Denville, Article 1, General Provisions, §19-1.2, Definitions, is hereby amended to add the following definitions to read as follows:

"Canopy shall mean a roof like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.

Canopy, fixed shall mean a canopy that is constructed with a rigid frame than can not be retracted, folded or collapsed.

Hotel shall mean a facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, fitness and health centers, entertainment, personal services, recreational facilities and limited retail.

Landscaping shall mean to adorn or improve (a section of ground) by contouring and by planting flowers, shrubs or trees.

Motel shall mean an establishment providing sleep accommodations for transients often with rooms having direct access to the outside without the need to pass through a lobby.

Parapet shall mean the extension of the main walls of a building above the roofline.

Portico shall mean an open sided structure attached to a building and sheltering an entrance or serving as a semi-enclosed space.”
SECTION 2. Chapter 19, Land Use, of the Code of the Township of Denville, Article 5, Zone Regulations, §19-5.5, Map and Schedule, Schedule of Area, Yard & Bulk Requirements, is hereby amended and supplemented by the addition of a new footnote (10), keyed to Primary Use to read as follows:

"(10) See section §19-5.2307(b) for conditional use standards pertaining solely to Hotel Development in the I-2 Industrial District."

SECTION 3. Chapter 19, Land Use, of the Code of the Township of Denville, Article 5, Zone Regulations, §19-5.8, Parking and Loading, subsection §19-5.602, Off-Street Parking in Nonresidential Zones, is hereby amended with respect to Hotel only to read as follows:

<table>
<thead>
<tr>
<th>TYPE OF BUILDING OR USE</th>
<th>MINIMUM NUMBER OF SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel</td>
<td>1.2 parking spaces per guest room plus the parking required for the sum of all other uses on site including, but not limited to:</td>
</tr>
<tr>
<td>Restaurant</td>
<td>As specified elsewhere in this schedule</td>
</tr>
<tr>
<td>Convention/Conference Facilities</td>
<td>1 for each 150 sq. ft. GFA</td>
</tr>
<tr>
<td>Banquet/Ballroom Facilities</td>
<td>1 for each 100 sq. ft. GFA</td>
</tr>
</tbody>
</table>

SECTION 4. Chapter 19, Land Use, of the Code of the Township of Denville, Article 5, Zone Regulations, §19-5.10, Conditional Uses, is hereby amended and supplemented by the addition of a new subsection, §19-5.1012, Hotels, to read as follows:

"§19-5.1012. Hotels and their accessory facilities shall be permitted in compliance with §19-5.2307 of this chapter."

SECTION 5. Chapter 19, Land Use, of the Code of the Township of Denville, Article 5, Zone Regulations, §19-5.15, B-2 Highway Business District, subsection §19-5.1501, Primary Intended Use, is hereby amended to read as follows:

"§19-5.1501 Primary Intended Use.

This zone is designed for commercial use of the highway sales and distribution type as well as those uses permitted in the B-1 District unless herein prohibited. Also permitted in this zone are:

a. Nursing Homes.
b. Accessory uses customarily incident to the above uses.
c. Signs as regulated in Section 19-5.9."

SECTION 6. Chapter 19, Land Use, of the Code of the Township of Denville, Article 5, Zone Regulations, §19-5.22, I-1 Industrial District, subsection §19-5.2201, Primary Intended Use, the introductory paragraph only, is hereby amended to read as follows:

"§19-5.2201 Primary Intended Use.

This zone is designated for offices for business, professional, executive or administrative purposes, scientific or research laboratories, industrial and manufacturing uses and indoor commercial recreation. The intensity of operations shall not exceed the limitations imposed by
the performance standards hereinafter set forth in this Section. Also permitted in this District are:*

SECTION 7. Chapter 19, Land Use, of the Code of the Township of Denville, Article 5, Zone Regulations, §19-5.23, I-2 Industrial District, is hereby amended in the following particulars only:

a. Subsection §19-5.2301, Primary Intended Use, is hereby amended to read as follows:

"This zone is designed for offices for business, professional, executive or administrative purposes, scientific or research laboratories and industrial and manufacturing uses as well as anything permitted in the I-1 Zone, provided, however, retail sales and services are only permitted as accessory uses to a permitted or conditional use as specified below."

b. Subsection §19-5.2307, Permitted Conditional Uses, is hereby amended and supplemented by the addition of paragraph b. to read as follows:

"b. Hotels

1. Minimum Lot size: 2 acres

2. Setbacks. All hotel buildings shall meet the following yard setbacks:

   (a) Front Yard: 75 feet
       Allowable incursions into front yard setback:
       i. Portico may extend 40 feet into front yard
       ii. Canopy may extend 5 feet into front yard

   (b) Side Yard: 40 feet

   (c) Rear Yard: 75 feet

3. Location requirements
   (a) All hotels must be located within 2,640 feet (1/2 mile) from access to a federal highway. Measurements shall be made as the site is accessed and not radially.
   (b) May not be located in "A", "AE" FEMA Flood Zones as these are high risk flood areas.

4. Maximum Floor Area Ratio: 0.25

   (a) Notwithstanding the maximum floor area ratio, for each One percent (1%) increase in landscaped pervious area over and above the 10% required, an increase in floor area ratio of 0.02 will be permitted up to a maximum floor area ratio of 0.55.

      i. For a landscaped area to be included in this calculation, it must be at least 5 feet in depth.
      ii. To take advantage of this FAR bonus, no parking variance or impervious surface variance may be requested.

5. Maximum Height in Stories: 5
6. Maximum Height in Feet: 55

   (b) Allowable extensions of height.
   i. HVAC and similar mechanical equipment and roof appurtenances.
      [1] Requires that all such appurtenances do not occupy more than 10 percent (10%) of the total roof surface; and
      [2] Are less than 10 feet in height; and
   ii. A parapet may extend 5 feet above maximum height.

7. Maximum Height of Portico: 22 feet

8. Maximum Building Coverage: 0.20

   (a) Any proposed portico or fixed canopy shall be included in the building coverage calculation.

9. Maximum Impervious Coverage (total): 0.85

10. Parking: As required by §19-5.8

11. Mixture of hotel use and any use below in accordance with the following regulations:

   (a) Conference center: Maximum of 50% of the square footage of entire hotel use.
   (b) Restaurant: Maximum 7,500 square feet
   (c) Retail or personal services shall be allowed provided that they are entirely contained with the hotel building, have no direct access to the outside and shall not have exterior signs or other appurtenances.

12. Central Entrance Required.

   All hotel buildings shall contain a central entrance leading to a common lobby area, which lobby area shall contain the registration and service desk, which service desk shall be manned 24 hours a day and be situated in the lobby area so that guests who are entering or leaving the hotel may be clearly observed. Access to the sleeping rooms shall be only through hallways extending from the common lobby area. The door to each sleeping room shall open upon the hallways. No sleeping room on the first floor of the hotel shall contain exterior doors other than the door opening upon the hallways.

13. Landscaping: A minimum of ten percent (10%) of the lot shall be landscaped; parking lots shall include landscaping along any property line abutting adjoining uses.

(a) All storage of garbage and other refuse shall be in compliance with Ord. §3-13A.
(b) No garbage or other refuse collection container shall be located closer than 10 feet from a property line.

15. Generator.

(a) If a generator is utilized, it must be located on the roof of the structure, or be adequately screened with either fencing or landscaping or both.
(b) A generator shall not be located closer than 45 feet from a property line.


17. No vehicles, trailers and/or commercial vehicles shall be permitted to be stored on-site or within the parking lot unless the operator is a registered guest of the hotel.”

SECTION 8. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

SECTION 9. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION 10. This ordinance may be renumbered for codification purposes.

SECTION 11. This ordinance shall take effect after passage and publication as soon as practicable and in the manner provided by law.

SECTION 12. In the event that any section, part or provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE
I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on ___________, 2013.

Donna I. Costello, RMC/CMC
RESOLUTION NO. –13

WHEREAS, the Township of Denville and Riefolo Construction Company entered into a contract dated March 22, 2013 for Addition and Alterations to the Valley View Fire Company No. 3; and

WHEREAS, the Business Administrator has recommended that a change order be authorized for the deletion of Air Curtains for a decrease of $20,000; and

WHEREAS, the Township is agreeable to granting the requested changes as reflected in Change Order #1.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Denville, in the County of Morris, and State of New Jersey, that the contract between the Township and Riefolo Construction Company dated March 22, 2013, shall be amended as described in the attached Change Order #1 and that the Mayor and Township Clerk be authorized and directed to execute said Change Order #1 on behalf of the Township.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, DONNA I. COSTELLO, MUNICIPAL CLERK OF THE TOWNSHIP OF DENVILLE, DO HEREBY CERTIFY THE ABOVE TO BE A TRUE AND EXACT COPY OF A RESOLUTION APPROVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE AT THEIR MEETING HELD ON __7-16__, 2013

CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC MUNICIPAL CLERK
Change Order

PROJECT (Name and address): Addition and Alterations to the Valley View Fire Company No. 3

CHANGE ORDER NUMBER: 001

DATE: June 19, 2013

OWNER:

ARCHITECT:

CONTRACTOR:

TO CONTRACTOR (Name and address):

Riefoi Construction Company
12 Railroad Place
Belleville, NJ 07109

ARCHITECT'S PROJECT NUMBER: 2012-027

FIELD:

OTHER:

CONTRACT DATE: March 22, 2013

CONTRACT FOR: General Construction

THE CONTRACT IS CHANGED AS FOLLOWS:

(Includes, where applicable, any undisputed amounts attributable to previously executed Construction Change Directives)

Credit for deletion of Air Curtains per Pattman Plumbing, Heating and Air Conditioning attached proposal dated June 13, 2013.

The original Contract Sum was $903,000.00
The net change by previously authorized Change Orders $0.00
The Contract Sum prior to this Change Order was $903,000.00
The Contract Sum will be decreased by this Change Order in the amount of $20,000.00
The new Contract Sum including this Change Order will be $883,000.00

The Contract Time will be unchanged by Zero (0) days.
The date of Substantial Completion as of the date of this Change Order therefore is unchanged

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

USA Architects

ARCHITECT (Firm name)

20 North Doughty Ave, Somerville, NJ 08876

ADDRESS

BY (Signature)

Ray Boyce

(Typed name)

DATE 6/25/13

Riefoi Construction Company

CONTRACTOR (Firm name)

12 Railroad Place, Belleville, NJ 07109

ADDRESS

BY (Signature)

Ralph Riefoi

(Typed name)

DATE 6/25/13

Township of Denville, 1 St. Mary’s Place, Denville, NJ 07834

OWNER (Firm name)

ADDRESS

BY (Signature)

Steve Ward

(Typed name)

DATE 6/25/13
PATTMAN PLUMBING, HEATING & AIR CONDITIONING, INC.

80 GREENWOOD AVENUE  SUITE 10  MIDLAND PARK, NEW JERSEY 07432  (201) 444-6867  FAX (201) 444-6443

PROPOSAL

To: RIBFOLO CONSTRUCTION CO.
12 RAILROAD PLACE
BELLEVILLE NJ 07019
973-759-6550

Job: BELLEVILLE FIRE HOUSE AIR CURTAINS

6/13/13

We hereby submit specifications and estimates for:

CREDIT OFFERED FOR DELETION OF AIR CURTAINS AS FOLLOWS:

CREDIT FOR LABOR (TWO MEN FOR ONE DAY) .......... $2,000.00
CREDIT FOR THREE AIR CURTAINS (MATERIAL) ....... $18,000.00

TOTAL CREDIT OFFERED FOR DELETION OF AIR CURTAINS

$20,000.00

Work specified above shall be completed for the sum of:
dollars($ )

Payment to be made as follows:

Authorized signature ____________________________ Date 6/13/13
Note: This proposal may be withdrawn
if not accepted within 30 days

Acceptance of proposal-The above prices, specifications and conditions
are satisfactory and are hereby accepted. You are authorized to do the
work as specified. Payment will be made as outlined above. A service
charge of 1-1/2% per month, 18% APR will be added to all balances
30 days overdue. Also liable for all legal and collection expenses.

Signature ____________________________ Date ____________
RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING A SALE THROUGH GOV DEALS OF VARIOUS ITEMS OF MUNICIPAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, by Resolution 07-209, the Municipal Council of the Township of Denville authorized the use of an online auction service, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001, c.30 for the sale of various items of municipal property no longer needed for public use, by entering into an agreement with GovDeals, Inc.; and

WHEREAS, the Township of Denville received approval from the Division of Local Government Services to sell various items of municipal property from time to time under the E-Procurement Pilot Program; and

WHEREAS, the surplus personal property, as contained in Schedule “A” attached, is no longer needed for public use; and

WHEREAS, the sale will be on-line at www.GovDeals.com and will be conducted pursuant to Local Finance Notice 2008-09; and

WHEREAS, the items described in Schedule “A” contain the most accurate information available to inform the public of the description of the items being sold; and

WHEREAS, the terms and conditions of the agreement entered into with the vendor are available on the vendor’s website and are also available in the Township of Denville Purchasing Department. It is understood that all merchandise is sold in an “AS IS” condition. Questions regarding the items for sale can be obtained by calling the Denville Public Works Department at 140 Morris Avenue, Denville, NJ 973-625-8334.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the Township of Denville hereby authorizes the sale of items of municipal property no longer needed for public use as contained in Schedule “A” attached, at a sale to be held on line beginning 7-24-13 through 8-13-13; and

BE IT FURTHER RESOLVED that the bidders must be pre-registered and approved by the vendor at www.GovDeals.com. Payment by the bidder must be made directly to GovDeals within 5 business days (excluding holidays) of winning bid; and

BE IT FURTHER RESOLVED that the successful bidder for the sale 7-24-13 to 8-13-13 will be confirmed at the next meeting of the Municipal Council of the Township of Denville on August 13, 2013. The successful bidders will be able to pick up their merchandise at the Department of Public Works, 140 Morris Avenue after 8-13-13 by calling Public Works at 973-625-8334 to make an appointment for pick-up; and

BE IT FURTHER RESOLVED that a Certified Copy of this Resolution be forwarded to the Division of Local Government Services.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE
DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
## SCHEDULE “A”

### EQUIPMENT

<table>
<thead>
<tr>
<th>Item Type</th>
<th>Manufacturer</th>
<th>Model #</th>
<th>S/N or V.I.N.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5) video cassette recorder</td>
<td>Panasonic</td>
<td>AG1300P</td>
<td></td>
</tr>
<tr>
<td>(1) digital a/v mixer</td>
<td>Panasonic</td>
<td>wj-mx12</td>
<td></td>
</tr>
<tr>
<td>(2) 32 port Network Switch</td>
<td>cnet</td>
<td>cnsh3200</td>
<td></td>
</tr>
<tr>
<td>(1) 16 port Network Hub</td>
<td>synoptics</td>
<td>Lattishub 2803</td>
<td></td>
</tr>
<tr>
<td>(5) PC</td>
<td>Dell</td>
<td>GX 280</td>
<td></td>
</tr>
<tr>
<td>(1) color video tape recorder</td>
<td>Panasonic</td>
<td>NV-3160</td>
<td></td>
</tr>
<tr>
<td>Quantity (1) video recorder</td>
<td>Sony</td>
<td>AV-3600</td>
<td></td>
</tr>
<tr>
<td>(1) VHS camera</td>
<td>Panasonic</td>
<td>AG455</td>
<td></td>
</tr>
<tr>
<td>(1) VHS camera</td>
<td>Panasonic</td>
<td>AG456</td>
<td></td>
</tr>
<tr>
<td>(1) VHS camera</td>
<td>Panasonic</td>
<td>AG450</td>
<td></td>
</tr>
<tr>
<td>(2) videocassette recorder</td>
<td>Sony</td>
<td>VO2610</td>
<td></td>
</tr>
<tr>
<td>(2) videocassette recorder</td>
<td>Sony</td>
<td>VO2850</td>
<td></td>
</tr>
<tr>
<td>(1) 48” walkbehind mower</td>
<td>Exmark</td>
<td>VH4815AC</td>
<td>524065</td>
</tr>
<tr>
<td>(1) 60” rider dump bagger</td>
<td>Exmark</td>
<td>LAS28KA604</td>
<td>720865</td>
</tr>
<tr>
<td>(1) sand pro</td>
<td>Toro</td>
<td>8867</td>
<td>50215</td>
</tr>
<tr>
<td>(1) water reel</td>
<td>Kifco</td>
<td>B- 180</td>
<td>350269B50</td>
</tr>
</tbody>
</table>

### VEHICLES

<table>
<thead>
<tr>
<th>Year</th>
<th>Model</th>
<th>Model #</th>
<th>VIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 1994</td>
<td>Mason dump</td>
<td>F-350</td>
<td>2FDKF38G6RCA83672</td>
</tr>
<tr>
<td>(1) 1997</td>
<td>mason dump</td>
<td>F-350</td>
<td>1FDKF38G1VEA95409</td>
</tr>
<tr>
<td>(1) 2005</td>
<td>auto</td>
<td>Crown Vic</td>
<td>2FAHP71W65X175474</td>
</tr>
<tr>
<td>(1) 2007</td>
<td>auto</td>
<td>Crown Vic</td>
<td>2FAHP71W37X114389</td>
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<tr>
<td>(1) 2007</td>
<td>auto</td>
<td>Crown Vic</td>
<td>2FAHP71WX7X114387</td>
</tr>
</tbody>
</table>
RESOLUTION AUTHORIZING REINSTATEMENT OF THE
ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN
FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE

WHEREAS, on February 7, 1995, the Municipal Council confirmed sewer assessments
for certain properties in the Township of Denville; and

WHEREAS, the resolution confirming said assessments authorized the payment of the
assessments in yearly installments over a twenty year period commencing April 7, 1995; and

WHEREAS, certain property owners have failed to make their installment payments
when they became due; and

WHEREAS, N.J.S.A. 40:56-35 provides in pertinent part that if any such installment
shall remain unpaid for 30 days after the time when said payment shall become due, either
the whole assessment shall immediately become due, or the governing body may, by
resolution, permit any person who is delinquent in the payment of such an installment to pay
only the amount of the delinquent payment due, plus accrued interest, and have the payment
of said assessment placed back on the regular installment payment schedule; and

WHEREAS, the following families

Crawford, Alling,
Bershofski, Sobieski, Sherman, Fitzgerald,
\[Other names listed]

have petitioned the Council to permit the reinstatement of their original installment plan and
have tendered to the Tax Collector the requisite amount to bring their accounts current in
accordance with the above-referenced statute; and

WHEREAS, the Municipal Council wishes to allow the above referenced property
owners to resume payment of their assessments on the original installment schedules
approved for their properties.

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Township of
Denville, in the County of Morris and State of New Jersey, that the Tax Collector be
authorized to accept payment of the delinquent installments due, plus interest, from the
above referenced property owners for their sewer assessments and that said property
owners be permitted to pay all subsequent installments established for their properties over
the balance of the twenty year installment period previously authorized by the Municipal
Council.

BE IT FURTHER RESOLVED, that should any of the above referenced property owners
default on any future installments, the full amount of the sewer assessment shall become
due.

CERTIFIED TO BE A TRUE AND EXACT
COPY OF RESOLUTION ADOPTED ON

Donna L. Costello, RMC/CMC
Municipal Clerk
RESOLUTION AUTHORIZING THE REFUND
OF MONEY DUE TO THE REDEMPTION
OF A TAX SALE CERTIFICATE.

WHEREAS, the Township of Denville held a Tax Lien Sale on 12/1/2004 for
Delinquent 2003 Calendar Year Taxes and a Tax Sale Certificate was purchased by Waverly Strategic
Advisors, LLC on Block 60203 Lot 131; and

WHEREAS the owner of said property has paid to the Tax Collector all moneys due for the
Redemption of said Tax Sale Certificate.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Denville, in
the County of Morris and State of New Jersey, that the Tax Collector is hereby authorized and directed to
prepare a voucher to refund the amount shown below to the named lien holder; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to
forward the check to the Tax Collector to be delivered to said person after proper notation has been made
on the Tax Records.

<table>
<thead>
<tr>
<th>BLOCK / LOT</th>
<th>PURCHASER OF LIEN</th>
<th>REFUND</th>
</tr>
</thead>
<tbody>
<tr>
<td>60203 131</td>
<td>Waverly Strategic Advisors, LLC</td>
<td>$1196.93</td>
</tr>
<tr>
<td></td>
<td>721 Waverly Rd.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ridgewood, NJ 07450</td>
<td></td>
</tr>
</tbody>
</table>

Certificate # 2004-0015

Premium Returned -0-

I, DONNA I. COSTELLO, MUNICIPAL CLERK
OF THE TOWNSHIP OF DENVILLE, DO HEREBY
CERTIFY THE ABOVE TO BE A TRUE AND EXACT
COPY OF RESOLUTION ADOPTED BY THE MUNICIPAL
COUNCIL OF THE TOWNSHIP OF DENVILLE AT THEIR
MEETING HELD ON 7-14-13.

CERTIFICATION DATED: DONNA I COSTELLO, RMC/CMC
MUNICIPAL CLERK
RESOLUTION AUTHORIZING RAFFLE LICENSE(S)  
IN THE TOWNSHIP OF DENVILLE

BE IT RESOLVED by the Municipal Council of the Township of Denville that the application(s) for the following RAFFLE(S) be approved and the Municipal Clerk be authorized to issue said license(s) on behalf of the Municipality.

<table>
<thead>
<tr>
<th>NAME OF ORGANIZATION</th>
<th>TYPE OF RAFFLE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>HSA St. Cecilia</td>
<td>Tricky Tray</td>
<td>11-2-13</td>
</tr>
<tr>
<td></td>
<td>On Prem 50/50</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Off Prem Samples</td>
<td></td>
</tr>
<tr>
<td>MCA 13</td>
<td>On Prem 50/50</td>
<td>9-21-13</td>
</tr>
<tr>
<td></td>
<td>10-12</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10-20</td>
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<tr>
<td></td>
<td>10-26</td>
<td></td>
</tr>
<tr>
<td></td>
<td>11-9</td>
<td></td>
</tr>
<tr>
<td>St. Mary's HS</td>
<td>Off Prem 50/50</td>
<td>1-26-14</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CONSTRUCTION DEPARTMENT

RESOLUTION AUTHORIZING A REFUND
OF A COAH DEVELOPMENT FEE

WHEREAS, the permit payor listed below has overpaid the COAH Development Fee in the amount shown;

and

WHEREAS, the permit payor has requested that the amount listed below be refunded.

NOW, THEREFORE BE IT RESOLVED, by the Municipal Council of the Township of Denville that a refund from the Housing Trust Fund be made to the following named individual as a result of overpayment.

<table>
<thead>
<tr>
<th>NAME</th>
<th>PERMIT NUMBER</th>
<th>AMOUNT</th>
<th>REVENUE ACCOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Bilza</td>
<td>121326</td>
<td>$93.00</td>
<td>17-280-56-000</td>
</tr>
</tbody>
</table>

I, DONNA I. COSTELLO, MUNICIPAL CLERK
OF THE TOWNSHIP OF DENVILLE, DO HEREBY
CERTIFY THE ABOVE TO BE A TRUE AND EXACT
COPY OF RESOLUTION ADOPTED BY THE MUNICIPAL
COUNCIL OF THE TOWNSHIP OF DENVILLE AT
THEIR MEETING HELD ON 7-16-13.

CERTIFICATION DATE

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
RESOLUTION REFUNDING THE PAYMENT
OF TAXES OVERPAID FOR
CALENDAR YEAR 2012

WHEREAS, it has been found that the following taxes were overpaid due to Mortgage Co. paying too much due to an assessment change.

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector is hereby authorized and directed to prepare a voucher in the following name to refund said overpayment made in error; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to deliver the check to the Tax Collector to be delivered to said taxpayer after the refund has been recorded in the taxpayer’s history file.

TAXES

<table>
<thead>
<tr>
<th>BLOCK/LOT</th>
<th>OWNER /MORTGAGE CO.</th>
<th>REFUND</th>
</tr>
</thead>
<tbody>
<tr>
<td>40612 53</td>
<td>CitiMortgage, Inc</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PO Box 23689</td>
<td>$884.67</td>
</tr>
<tr>
<td></td>
<td>Rochester, NY 14692</td>
<td></td>
</tr>
</tbody>
</table>

Loc: 4 Shawger Road

I, DONNA COSTELLO, MUNICIPAL CLERK
OF THE TOWNSHIP OF DENVILLE, DO HEREBY
CERTIFY THE ABOVE TO BE A TRUE AND EXACT
COPY OF RESOLUTION ADOPTED BY THE MUNICIPAL
COUNCIL OF THE TOWNSHIP OF DENVILLE AT THEIR
MEETING HELD ON ____________________________.

CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
RESOLUTION

WHEREAS, on May 22, 2013, the Township of Denville received four (4) bids for General Contracting Construction Services; and

WHEREAS, GL Group, Inc. is the lowest responsible and responsive bidder; and

WHEREAS, the Municipal Council wishes to award the General Contracting Construction Services Contract to GL Group, Inc. in accordance with its bid proposal.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, as follows:

1. A contract for General Contracting Construction Services is hereby awarded to GL Group, Inc., 140 Hamburg Turnpike, Bloomingdale, NJ 07403 in accordance with its bid, which contract is subject to three (3) one (1) year extensions upon mutual agreement of the parties.

2. No Notice to Proceed on a specific project under the Contract shall be issued unless the Chief Financial Officer has certified to the availability of funds for the specific project.

3 The Mayor and Township Clerk are hereby authorized and directed to execute a contract with GL Group, LLC.

4. This Resolution shall take effect immediately.


Certification Dated: ____________________________________

Donna I. Costello, RMC/CMC
Municipal Clerk
July 9, 2013

Darlene Price  
Township of Denville  
1 Saint Mary's Place  
Denville, NJ 07834  
purchasing@denville.nj.org

Ref: T&M Bid

Ms. Price,

We understand that the Township of Denville has reserved the right to reject an estimate that we submit for a specific project if our estimate exceeds the Township Engineer’s estimate for that project. In such event, the Township may solicit quotes or bids and award a contract to a contractor submitting a lower bid. In addition, we understand that the Township reserves the right to publicly bid all projects for which the Engineer’s estimate exceeds the bid threshold, currently $36,000.

This letter shall be attached to the Contract and made a part thereof as a clarification of the understanding of the parties as to the intent of the Contract.

Thank you,

Michael B Solakov

Michael B Solakov 07/01/2013

Signature Date
May 23, 2013

Darlene Price, Purchasing Agent
Township of Denville
1 St. Mary's Place
Denville, New Jersey 07834-2199

Re: Proposals for General Contracting Construction Services

Dear Darlene:

Enclosed please find the original bid packages submitted by the four (4) bidders in connection with the above matter. I reviewed these bids and comment as follows:

The bid submitted by Tri-Form Construction Inc. did not include a bid bond and therefore must be rejected.

GL Group, Inc. submitted a responsive bid. The only possible defect in this bid was the failure to submit the signed Bid Document Submission Checklist, which is a curable defect since all required documents were otherwise submitted.

The bid submitted by Brockwell & Carrington Contractors, Inc. is fully responsive.

The bid submitted by Edge Property Maintenance Inc. included only a photocopy of the bid bond; otherwise this bid was responsive. The original bid bond must be submitted before an award may be made. I also note that the Public Works Contractor Registration Certificate expires June 19, 2013. If the Contract is awarded to Edge Property Maintenance they should provide an updated Certificate of Registration prior to June 19th.

In addition, with the exception of Brockwell and Carrington, none of the bidders submitted a Proof of Authority. This is a curable defect, especially since the documents in each bid were signed by the President and sole shareholder of the company.

Please do not hesitate to call should you have any questions.

Very truly yours,

[Signature]

Paula J. DeBona

Enclosures
cc: Steve Ward, Administrator
CONTRACT FOR GENERAL CONTRACTING CONSTRUCTION SERVICES
TOWNSHIP OF DENVILLE

THIS CONTRACT made this ______ day of __________, 20 , by and between:

TOWNSHIP OF DENVILLE, a municipal corporation of the State of New Jersey, with offices at 1 St., Mary’s Place

Denville, NJ 07834

(Hereinafter, "Owner")

AND

(Hereinafter, "Contractor")

WITNESSETH:

In consideration of the agreements herein contained, to be performed by the parties hereto, and of the payments hereinafter agreed to be made, it is mutually agreed as follows:

1. The Contractor will furnish "GENERAL CONTRACTING CONSTRUCTION SERVICES", as specified in the contract documents, which are incorporated herein by reference.

2. The Contractor will furnish all of the materials, supplies, tools, equipment, labor and all things necessary for the provision of "GENERAL CONTRACTING CONSTRUCTION SERVICES", in an expeditious, substantial and workmanlike manner, to the satisfaction of the Owner, and in compliance with the specifications.

3. The Contractor will begin the work as soon as practicable after receipt of each individual project purchase order from the Owner and will complete the same within the time periods as set forth in the purchase order, unless a notification is made to the Contractor to extend a project completion date.
4. The Contractor agrees to perform all of the work described in the contract documents in a good and workmanlike and proper manner and agrees to comply with all the terms and conditions therein for the price or prices submitted by him in his proposal and as accepted by the governing body of the Owner. Said prices shall be full compensation for the furnishing of "GENERAL CONTRACTING CONSTRUCTION SERVICES" and for all losses and damages arising out of the nature of the work or from any unforeseen difficulty encountered in the prosecution of the work and for all risks of any kind connected with the work and for all expenses incurred by or in consequence of the work.

5. The term "contract documents" means and will consist of all of the bid documents including, but not limited to, the Notice to Bidders, Instruction to Bidders, Proposal, Bid Bond, Form of Contract, General Conditions, Notice of Award, Notice to Proceed, Detailed Specifications, General Requirements and Addenda.

The contract documents enumerated above are hereby made a part of this contract as though they were physically attached hereto and by execution of this contract the Contractor acknowledges that he has examined and is familiar with the contents of the said contract documents.

6. The Owner will make payment to the Contractor for each individual project in the manner and at such time as is set forth in the contract documents and in such amount as is required by the contract documents.

7. If the Contractor shall fail to complete the work in accordance with the time frame agreed upon and set forth on each individual project purchase order, other than as a result of a delay due to valid weather conditions, the Contractor, upon receipt of written notice from the Township (by email or confirmed facsimile), shall complete the construction work and cure the conditions within the time period specified in the notice. If the Contractor does not satisfactorily complete the work within the time period specified in the notice, the Township may, without further
notice to the Contractor, arrange to have the work completed and shall hold the Contractor liable for all costs and damages incurred by the Township. Such costs shall be deducted from the next subsequent payment to be made to the Contractor under this Contract.

8. The Contractor agrees to indemnify and save harmless the Township, its officers, employees and agents, and each and every one of them, against and from all claims, suits, costs, expenses, fees (including legal fees), and from all damages of every kind and description by reason of the injury or death of any person or persons or by reason of property damage to any property which arises from or in any manner grows out of the negligent acts, errors, or omissions of the Contractor or its subcontractors or the officers, agents or employees of either, while engaged in the performance of this Contract.

The Contractor specifically agrees that this obligation to indemnify and hold the Township harmless shall include the responsibility to reimburse the Township for any and all costs, expenses, fees (including legal fees in defense of any claim), and all damages of every kind and description which may arise out of or relate to the Contractor's negligent acts, errors or omissions relative to the performance of this Contract.

This hold harmless obligation shall be applicable to any claim asserted against the Township or any loss incurred arising out of the Contractor's performance of this Contract.

9. The Contractor shall be fully responsible for all acts and omissions of any subcontractors and for any person directly or indirectly employed by said subcontractors to the same extent that he is responsible for the acts and omissions of persons directly employed by him. Nothing in the contract documents shall create a contractual relationship between any subcontractor and the Township or any obligation on the part of the Township to pay or to see to the payment of moneys due any subcontractor except as may otherwise be required by law.
10. The Township shall not be responsible to Contractor, as an independent contractor, in any matter excepting for payment of labor and materials furnished in accordance with the terms of this Agreement.

11. Contractor shall comply with all federal, state and local laws and regulations and shall hold the Township harmless for any violation thereof.

12. (a) The Contractor shall comply with the requirements of P.L. 1975, c. 127 and with Title 34:11-56.25 et seq., N.J.S.A., as amended by Chapter 64, New Jersey Public Laws of 1974, with respect to the payment of the prevailing wage rate in the Boonton, Montville, Mountain Lakes, and the Denville local area, and specification of such wage rates in the contract for each craft, trade or classification.

(b) The Contractor shall submit an affidavit setting forth the names and addresses of all stockholders who own ten percent (10%) or more, or any class of stock in the corporation or of individual partners owning ten percent (10%) or more of interest in the partnership.

13. During the term of this contract, the parties hereto agree to comply with the Affirmative Action requirements set forth in N.J.A.C. 17:27, and hereby incorporate by reference the mandatory Affirmative Action language set forth in Exhibit A, which is attached hereto and made a part hereof.

14. The initial term of this contract is from __________, 2013 to __________, 2014. Upon agreement of the parties three (3) one-year extensions of this contract shall be subject to the following limitations:

a. The extension shall be awarded by resolution of the Municipal Council upon a finding by the Municipal Council that the services under this contract are being performed in an effective and efficient manner; and
b. Any price change included as part of an extension shall be based upon the price of the original contract as increased by the change in the CPI index rate, N.Y. – Northeastern N.J., base year 1984=100, for the twelve (12) months preceding the most recent monthly calculation available at the time this contract is renewed; and

c. The terms and conditions of this contract shall remain substantially the same.

15. The Contractor shall not assign, transfer, convey, sublet or otherwise dispose of the contract or of his right, title or interest therein or any part thereof, or of his power to execute such contract to any other person, company or corporation without the previous consent in writing of the Township and he shall not assign to another by power of attorney or otherwise any of the moneys to become due and payable under this contract unless by and with like consent. If the Contractor violates any of the above covenants, this contract may, at the option of the Township, be revoked and annulled and the Township shall thereupon be relieved and discharged from any and all liability and obligations growing out of this contract to the Contractor and to the person, company or corporation to whom the contract was assigned. Nothing herein contained shall be construed to hinder, prevent or effect an assignment by the Contractor for the benefit of his creditors pursuant to the laws of the State of New Jersey.

16. This contract, and any subsequent extensions thereof, is subject to the availability and appropriation of sufficient funds in the 2014, 2015, 2016 and any subsequent budgets as may be required to meet the Township’s obligations under this agreement.

17. This Contract shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.

18. The Contractor herein represents that neither the Contractor nor any person owning five percent or more of the stock or equity interest in the Contractor's business has
been convicted of an offense under N.J.S.A. 2C:27-2, 2C:27-6, 2C:27-7, or 2C:29-4 subsequent to September 13, 1977. This representation is made pursuant to P.L. 1977 Chapter 214.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their proper corporate officers and their proper corporate seals to be affixed hereto the day and year as indicated in the acknowledgments attached hereto and made a part hereof.

ATTEST:

_________________________________________
Donna I. Costello, Clerk

ATTEST:

_________________________________________
, Secretary

TOWNSHIP OF DENVILLE

By:_____________________________________
Thomas W. Andes, Mayor

By:_____________________________________
, President
I certify that on the __________ day of __________, 2013,
personally came before me and this person acknowledged under oath to
my satisfaction that: (a) this person signed, sealed and delivered the attached document as
President of __________ the corporation named in this document; and (b) this
document was signed and made by the corporation as its voluntary act and deed by virtue of
authority from its Board of Directors.

Notary

I CERTIFY that on __________, 2013, __________________personally came before me
and this person acknowledged under oath, to my satisfaction, that: (a) this person is the Clerk
of the TOWNSHIP OF DENVILLE, the municipal corporation named in the attached document;
(b) this person is the attesting witness to the signing of this document by the proper municipal
officer who is Thomas W. Andes, the Mayor of the municipal corporation; (c) this document
was signed and delivered by the municipal corporation as its voluntary act duly authorized by a
proper resolution of the Township Committee; (d) this person knows the proper seal of the
municipal corporation which was affixed to this document; and (e) this person signed this proof
to attest to the truth of those facts.

Sworn and Subscribed to
before me this __________ day
of __________, 2013

__________________________, Clerk

(Notary sign, seal, stamp)
July 9, 2013

Darlene Price
Township of Denville
1 Saint Mary’s Place
Denville, NJ 07834
purchasing@denvillenj.org

Ref: T&M Bid

Ms. Price,

We understand that the Township of Denville has reserved the right to reject an estimate that we submit for a specific project if our estimate exceeds the Township Engineer’s estimate for that project. In such event, the Township may solicit quotes or bids and award a contract to a contractor submitting a lower bid. In addition, we understand that the Township reserves the right to publically bid all projects for which the Engineer’s estimate exceeds the bid threshold, currently $36,000.

This letter shall be attached to the Contract and made a part thereof as a clarification of the understanding of the parties as to the intent of the Contract.

Thank you,

Michael B Solakov

Michael B Solakov 07/01/2013

Signature Date
RESOLUTION NO. –13

WHEREAS, the Township of Denville and Riefolo Construction Company entered into a contract dated March 22, 2013 for Addition and Alterations to the Valley View Fire Company No. 3; and

WHEREAS, the Business Administrator has recommended that a change order be authorized in the amount of $20,000 to replace unsuitable soil with stone, as well as to perform exterior wall modifications; and

WHEREAS, the Township is agreeable to granting the requested changes as reflected in Change Order #2.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Denville, in the County of Morris, and State of New Jersey, that the contract between the Township and Riefolo Construction Company dated March 22, 2013, shall be amended as described in the attached Change Order #2 and that the Mayor and Township Clerk be authorized and directed to execute said Change Order #2 on behalf of the Township.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, DONNA I. COSTELLO, MUNICIPAL CLERK OF THE TOWNSHIP OF DENVILLE, DO HEREBY CERTIFY THE ABOVE TO BE A TRUE AND EXACT COPY OF A RESOLUTION APPROVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE AT THEIR MEETING HELD ON JULY 16, 2013

CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
CHANGE ORDER

PROJECT: Addition and Alterations to the Valley View Fire Company No. 3

CHANGE ORDER
No: 02
DATE: 7.1.2013

CONTRACTOR: Riefolo Construction Company
12 Railroad Place
Belleville, NJ 07109

ARCHITECT'S
PROJECT No.: 2012-027
CONTRACT DATE: See Contract
CONTRACT FOR: General Construction

THIS CONTRACT IS CHANGED AS FOLLOWS:
The Contractor shall provide all labor, materials, and equipment necessary to make the following changes in the contract:

1) Additional cost to remove unsuitable soil and replace with stone per
   Tilcon New York Inc. attached proposal dated July 1, 2013. $14,902.96

2) Per USA's request, portion of cost to install additional plywood. Attached proposal dated June 26, 2013. $5,097.04

TOTAL CHANGE ORDER: $20,000.00

All of this work is to be done in accordance with the appropriate plans and specifications.

The original Contract Sum was $903,000.00
The net change by previously authorized Change Orders $-20,000.00
The Contract Sum prior to this Change Order was $883,000.00
The Contract Sum will be decreased by this Change Order in the amount of $20,000.00
The new Contract Sum including this Change Order will be $903,000.00
The Contract Time will be unchanged by days.
The date of Substantial Completion as of the date of this Change Order therefore is unchanged.

NOT VALID UNTIL SIGNED BY THE OWNER, ARCHITECT, AND CONTRACTOR.

USA Architects, Planners + Interior Designers
ARCHITECT:
20 N. Doughty Avenue
Somerville, NJ 08876
ADDRESS:

Riefolo Construction Company
OWNER:
12 Railroad Place
Belleville, NJ 07109
ADDRESS:

Township of Denville
CONTRACTOR:
1 St. Mary's Place
Denville, NJ 07834
ADDRESS:

BY: Andrew Adorno DATE: BY: Ralph Riefolo DATE: BY: Steven Ward DATE:
<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Quantity</th>
<th>Unit</th>
<th>Unit Cost</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/10/2013</td>
<td>Track backhoe w/operator</td>
<td>8</td>
<td>hrs</td>
<td>$175.00</td>
<td>$1,400.00</td>
</tr>
<tr>
<td>8/10/2013</td>
<td>Truck w/driver</td>
<td>8</td>
<td>hrs</td>
<td>$90.00</td>
<td>$720.00</td>
</tr>
<tr>
<td>8/10/2013</td>
<td>Laborer</td>
<td>8</td>
<td>hrs</td>
<td>$65.00</td>
<td>$520.00</td>
</tr>
<tr>
<td>6/11/2013</td>
<td>Track backhoe w/operator</td>
<td>8</td>
<td>hrs</td>
<td>$175.00</td>
<td>$1,400.00</td>
</tr>
<tr>
<td>6/11/2013</td>
<td>Truck w/driver</td>
<td>8</td>
<td>hrs</td>
<td>$90.00</td>
<td>$720.00</td>
</tr>
<tr>
<td>6/11/2013</td>
<td>Laborer</td>
<td>8</td>
<td>hrs</td>
<td>$65.00</td>
<td>$520.00</td>
</tr>
<tr>
<td>6/11/2013</td>
<td>3/4&quot; crushed stone</td>
<td>103.08</td>
<td>tons</td>
<td>$29.05</td>
<td>$2,994.47</td>
</tr>
<tr>
<td>6/12/2013</td>
<td>Track backhoe w/operator</td>
<td>8</td>
<td>hrs</td>
<td>$175.00</td>
<td>$1,400.00</td>
</tr>
<tr>
<td>6/12/2013</td>
<td>Laborer</td>
<td>8</td>
<td>hrs</td>
<td>$65.00</td>
<td>$520.00</td>
</tr>
<tr>
<td>6/12/2013</td>
<td>RCA stone</td>
<td>125.74</td>
<td>tons</td>
<td>$13.00</td>
<td>$1,634.62</td>
</tr>
<tr>
<td>6/13/2013</td>
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<td>2</td>
<td>hrs</td>
<td>$175.00</td>
<td>$350.00</td>
</tr>
<tr>
<td>6/13/2013</td>
<td>Laborer</td>
<td>2</td>
<td>hrs</td>
<td>$65.00</td>
<td>$130.00</td>
</tr>
<tr>
<td></td>
<td>Move Track backhoe in/out</td>
<td></td>
<td></td>
<td></td>
<td>$650.00</td>
</tr>
<tr>
<td></td>
<td>Sub-Total</td>
<td></td>
<td></td>
<td></td>
<td>$12,959.00</td>
</tr>
<tr>
<td></td>
<td>Contractor's Overhead (10%)</td>
<td></td>
<td></td>
<td></td>
<td>$1,295.91</td>
</tr>
<tr>
<td></td>
<td>Contractor's Profit (5%)</td>
<td></td>
<td></td>
<td></td>
<td>$647.95</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$14,802.96</td>
</tr>
</tbody>
</table>
Hello Gentlemen,

The following is a breakdown of credits and extras to change the exterior wall insulation from 3" insulation to 2" insulation with 1/2" exterior plywood.

1. Insulation material 3" $2.00 sf X 1900 sf $3800.00
2. Insulation-installation $2.00 sf X 1900 sf $3800.00
   Total Credit $7,600.00

   1. Insulation material 2" $1.50 sf X 1900 sf $2850.00
   2. Insulation-installation $2.00 sf X 1900 sf $3800.00
   3. Exterior 1/2" plywood $1.00 sf X 1900 sf $1900.00
   4. Install plywood $2.00 sf X 1900 sf $3800.00
   Total Extra $12,350.00

Extra Credit $12,350.00
Sub-total $4,750.00
Contractor Overhead (10%) $475.00
Contractor Profit (5%) $235.00
Total Cost $5,450.00

Thank you for this opportunity.
Ralph Riefofo.

$6,555.00
AA ok
RESOLUTION NO. -13

WHEREAS, the Township of Denville and the County of Morris desire to enter into a shared services agreement to have Morris County provide the preparation and/or maintenance of property tax maps; and

WHEREAS, the Chief Financial Officer of the Township of Denville has certified that funds are available for this purpose for calendar year 2013; and

WHEREAS, municipalities are permitted to enter into such agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65 -1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, as follows:

1. That the Mayor and Township Clerk are hereby authorized to execute a Shared Service Agreement for the Production and Maintenance of Digital Property Tax Maps between the Township of Denville and the County of Morris.

2. A copy of the Agreement is on file in the office of the Township Clerk for inspection by the public.

3. A copy of this Agreement shall be filed, for informational purposes, with the Department of Community Affairs, Division of Local Government Services pursuant to rules and regulations promulgated by the Division.

4. This resolution shall take effect immediately.


Certification Dated: ___________________________  Donna I. Costello, RMC/CMC
Municipal Clerk
RESOLUTION AUTHORIZING ENGINEERING SERVICES IN
CONNECTION WITH THE DEVELOPMENT OF FLOOD RISK
REDUCTION CONCEPTS FOR DENVILLE CENTER

WHEREAS, on February 5, 2013 the Municipal Council of the Township of Denville approved Resolution R-13-46 which authorized execution by the Mayor and Township Clerk of a Professional Services Agreement ("Agreement") with John K. Ruschke, P.E. of Hatch Mott MacDonald, LLC, 27 Bleecker Street, Millburn, New Jersey 07041 for engineering services for the year 2013; and

WHEREAS, the Agreement was executed by the Mayor and Township Clerk on February 14, 2013; and

WHEREAS, the Agreement specifically provides in paragraph 2 that "A cost proposal shall be submitted by the Engineer and accepted by the Township with respect to engineering, construction contract administration and/or other related services with regard to any and all non-routine individual task assignment(s) where the anticipated fee will exceed $3,000."; and

WHEREAS, the Township of Denville has a need for certain specialized engineering services in connection with the development of flood risk reduction concepts for Denville Center; and

WHEREAS, John K. Ruschke, P.E. has submitted a cost proposal dated March 18, 2013 for the aforementioned project; and

WHEREAS, a lump-sum amount of $25,000 has been proposed; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

2. Charges shall not exceed $25,000 without prior written approval of the Township.

3. This Resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Donna I. Costello, Municipal Clerk of the Township of Denville do hereby certify the above to be a true and exact copy of Resolution adopted by the Municipal Council of the Township of Denville at their meeting held on July 16, 2013.

Certification Dated: 
Donna I. Costello, RMC/CMC 
Municipal Clerk
March 18, 2013

Mr. Steven Ward, Business Administrator  
Township of Denville  
1 St. Mary’s Place  
Denville, NJ 07834

Re: Township of Denville - Development of Flood Risk Reduction Concepts for Denville Center – Proposed Engineering Services

Dear Mr. Ward:

In accordance with your request, Hatch Mott MacDonald (HMM) would be pleased to assist the Township of Denville in the development and evaluation of concepts for flood risk reduction for the Denville Center area.

In February 2013, HMM provided the Township with a review of prior flood mitigation investigations, which included recommendations for further consideration. We understand that the Township would like to further explore several concepts for flood risk reduction for the Denville Center area. HMM is pleased to submit this Proposal for Professional Engineering Services in accordance with the following scope and budget.

Project Area

The Denville Center area for the purposes of this investigation is that area within the triangle generally formed by the Rockaway River to the north and east, the Den Brook on the south and St Mary’s Place and Fraizer Road on the west.

Proposed Scope of Investigations

The intent of the proposed services is to develop and evaluate alternatives for reduction of flood risk for the Denville Center, including further evaluation of the concepts described to the Township in the February 2013 presentation. These concepts include use of flood gates in key roadways, floodwalls and berms and augmenting natural divides such as by slightly raising street elevations at key locations to curtail overland flow. Evaluation of these conceptual improvements will be coordinated with the locations of the two stormwater pump stations considered for this area.

We propose that our investigations include the following Tasks:

Task 1 – Develop Concepts

Develop and evaluate several concepts and alternatives that could potentially be implemented by the Township. Schematic design sketches will be prepared for specific concepts at specific locations.
Task 2 – Preliminary Modeling

Based upon available hydrologic and hydraulic models, with appropriate modifications for the purposes of this evaluation, estimate the changes from existing conditions that would be associated with selected alternatives and combinations of alternatives. The loss of flood storage would be considered as it may affect peak flows discharged downstream. The effects of blocking overland flow will be considered. Changes would be estimated in terms of differential in flood elevations (existing vs. proposed) for selected design flows. Initial analyses will be made for the 50-year design storms. Depending upon the findings of these initial analyses, additional analysis may be made for the 25-year or 100-year design storms for comparison.

The results of these analyses will be reviewed with the Township and the initial alternatives will be screened to select alternatives for further consideration.

Task 3 - Refinement of concepts and analyses of selected alternatives.

Selected alternatives will be further refined and evaluated for practicality of implementation, estimated costs, and potential benefits or impacts in terms of reduction in flood frequency or elevation and the area affected. The preliminary modeling developed in Task 2 will be further modified as appropriate to undertake hydrologic and hydraulic analyses. HMM will prepare schematic design sketches (plan view and typical section) of alternatives recommended for further consideration.

Task 4 – Meet with NJDEP

For alternatives selected by the Township for further consideration, HMM will schedule and attend a meeting with the NJDEP to review permitting issues and concerns. The results of the meeting will be summarized in a memorandum.

Task 5 - Report

HMM will prepare a report describing the above investigations, findings and recommendations. The report will include schematic design drawings, estimated costs, permit requirements and potential benefits. The recommendations will include suggested further actions for alternatives selected by the Township for further consideration or implementation.

Proposed Budget

HMM proposes to undertake the above-described Tasks with compensation on a reimbursable basis. Charges would be based upon the hours expended by personnel assigned to the project, with rates and direct expenses in accordance with the rate schedule in effect at the time the services are rendered. We propose that a budget of $25,000 be authorized for the proposed services. Charges will not exceed the authorized budget without written approval of the Township.
HMM looks forward to the opportunity to be of service to the Township in this important matter.

Please call if you have any questions or require any additional information.

Very truly yours,

Hatch Mott MacDonald

John K. Ruschke, PE, PP, CME, BCE
Vice President
T 908.238.5000  F 908.730.6500
John.Ruschke@hatchmott.com

Cc: L. Coakley, PE, PP, HMM
RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND
APPROPRIATION NJSA 40A:4-87

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Township of Denville, in the County of Morris, New Jersey, hereby requests the Director of the Division of Local Government Services to approve Alcohol Education Rehab amount of $4,433.00.

BE IT FURTHER RESOLVED, that the like sum of $4,433.00 is hereby appropriated under the caption Alcohol Education Rehab.

BE IT FURTHER RESOLVED, that the above is a result of funds from State of New Jersey Alcohol Education Rehab in the amount of $4,433.00

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE


______________________________________________
CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC
______________________________________________
MUNICIPAL CLERK
RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY

WHEREAS, it has been found that the following 2008, 2009, 2010, 2011, 2012 taxes have been overpaid due to a judgement by the Tax Court of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, that the Tax Collector is hereby authorized and directed to prepare a voucher in the following name to refund said overpayment; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to forward the check to the Tax Collector to be delivered to said taxpayer after the refund has been recorded in the taxpayer history files.

<table>
<thead>
<tr>
<th>BLOCK/LOT</th>
<th>OWNER/MORTGAGE CO.</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>62101 2.02</td>
<td>Hill Hotel Lot LLC/ETALS &amp; Zipp &amp; Tannenbaum, LLC</td>
<td>2008- $6,462.50</td>
</tr>
<tr>
<td></td>
<td>166 Gatzmer Avenue Jamesburg, NJ 08831</td>
<td>2009- $7,923.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2010- $9,387.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2011- $11,088.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2012- $11,520.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total</td>
</tr>
</tbody>
</table>

Property Location- 370 Morris Ave


CERTIFICATION DATE DONNA I COSTELLO, RMC/CMC
RESOLUTION AUTHORIZING THE REFUND
OF MONEY DUE TO THE REDEMPTION
OF A TAX SALE CERTIFICATE.

WHEREAS, the Township of Denville held a Tax Lien Sale on 10/17/2012 for
Delinquent 2011 Calendar Year Water & Sewer, and a Tax Sale Certificate was purchased by Ridgeback Ventures, LLC on Block 60801 Lot 28; and

WHEREAS the owner of said property has paid to the Tax Collector all moneys due for the
Redemption of said Tax Sale Certificate.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Denville, in
the County of Morris and State of New Jersey, that the Tax Collector is hereby authorized and directed to
prepare a voucher to refund the amount shown below to the named lien holder; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to
forward the check to the Tax Collector to be delivered to said person after proper notation has been made
on the Tax Records.

<table>
<thead>
<tr>
<th>BLOCK /LOT</th>
<th>PURCHASER OF LIEN</th>
<th>REFUND</th>
</tr>
</thead>
<tbody>
<tr>
<td>60801 28</td>
<td>Ridgeback Ventures LLC</td>
<td>$10,562.26</td>
</tr>
<tr>
<td></td>
<td>PO Box 503</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mount Freedom, NJ 07970</td>
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</tr>
</tbody>
</table>

Certificate # 2012-031

Premium Returned $6,600.00

I, DONNA I. COSTELLO, MUNICIPAL CLERK
OF THE TOWNSHIP OF DENVILLE, DO HEREBY
CERTIFY THE ABOVE TO BE A TRUE AND EXACT
COPY OF RESOLUTION ADOPTED BY THE MUNICIPAL
COUNCIL OF THE TOWNSHIP OF DENVILLE AT THEIR
MEETING HELD ON 7-16-13.

CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK
RESOLUTION AUTHORIZING ENGINEERING SERVICES IN CONNECTION
WITH THE DESIGN AND BID PERIOD SERVICES OF THE BROADWAY
STREETSCAPE PROJECT – PHASE I

WHEREAS, on February 5, 2013 the Municipal Council of the Township of Denville
approved Resolution R-13-46 which authorized execution by the Mayor and Township Clerk of
a Professional Services Agreement ("Agreement") with John K. Ruschke, P.E. of Hatch Mott
MacDonald, LLC, 27 Bleecker Street, Millburn, New Jersey 07041 for engineering services for
the year 2013; and

WHEREAS, the Agreement was executed by the Mayor and Township Clerk on
February 14, 2013; and

WHEREAS, the Agreement specifically provides in paragraph 2 that "A cost proposal
shall be submitted by the Engineer and accepted by the Township with respect to engineering,
construction contract administration and/or other related services with regard to any and all
non-routine individual task assignment(s) where the anticipated fee will exceed $3,000."; and

WHEREAS, the Township of Denville has a need for certain specialized design and bid
period services in connection with the Broadway Streetscape Project – Phase I; and

WHEREAS, John K. Ruschke, P.E. has submitted a cost proposal dated July 10, 2013
for design and engineering services for the design and bid period of the aforementioned
project; and

WHEREAS, a lump-sum amount of $16,700 has been proposed; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this
purpose.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of
Denville, County of Morris, State of New Jersey, as follows:
1. The Municipal Council hereby approves the proposal submitted by John K. Ruschke, P.E. of Hatch Mott MacDonald for design and bid period services in connection with the Broadway Streetscape Project -- Phase I and authorizes the project to proceed.

2. Charges shall not exceed $16,700 without prior written approval of the Township.

3. This Resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Donna I. Costello, Municipal Clerk of the Township of Denville do hereby certify the above to be a true and exact copy of a Resolution adopted by the Municipal Council of the Township of Denville at their meeting held on July 16, 2013.

_________________________________________  _________________
Certification Dated:                Donna I. Costello, RMC/CMC
                                       Municipal Clerk
July 10, 2013

Mr. Steve Ward  
Business Administrator  
Township of Denville  
1st Mary's Place  
Denville, NJ 07834

Re: Proposal for Professional Engineering Services  
Phase I – Broadway Streetscape Project

Dear Mr. Ward:

Hatch Mott MacDonald (HMM) is pleased to submit the following proposal in response to your request for professional services to develop construction contract documents for the proposed Phase I – Broadway Streetscape Project.

PROJECT DESCRIPTION

The preparation of final contract documents and permit applications for the Phase I – Broadway Streetscape Project will involve a number of different types of activities. The major project tasks include the following:

- Detailed Design (Preparation of Final Contract Drawings and Specifications)
- Bid Period Services

A brief description of each task is outlined below:

Task 1 - Detailed Design Services

HMM will design and prepare contract drawings for the project based on the approved concept plan. Contract specifications will also be prepared for the project, suitable for use by the Township for public bidding and in accordance with Local Public Contracts Law. Technical specifications and general conditions will be based on New Jersey’s Department of Transportation (NJDOT) for road and bridge construction and amended as needed. HMM will undertake a detailed quantity takeoff and prepare an Engineer’s Estimate of probable construction cost.

Task 2 - Bid Period Services

Upon receipt of NJDOT approval, HMM will assist the Township in advertising this project for public bid. HMM will provide six (6) copies of plans and specifications for Township use during the bidding period. We will assist the Township in advertising this project within the local newspapers, websites and trade magazines, and will respond to questions during the bid period and issue addenda as required. Following the advertisement period, we will attend the bid opening, review bidder qualifications, and prepare a bid report for the Township’s consideration regarding award of the contract.
The following services are excluded from our proposal:

- Revisions to the project design differing from the approved concept.
- Acoustical design of the public broadcast system. We will include additional underground conduits in the project for the installation of a new broadcast system by others.
- Design of an irrigation system for future hanging baskets.

TIME SCHEDULE

It is anticipated that construction documents will be complete and ready for bid by late September 2013.

COST PROPOSAL

We propose to undertake the Scope of Services outlined above for a lump sum price of $16,700.

We appreciate the opportunity to submit this proposal and would be pleased to be of continued service to the Township of Denville. Should you have any questions regarding our Scope of Services or our Cost Proposal, please do not hesitate to contact me.

Very truly yours,

Hatch Mott MacDonald

[Signature]

John K. Ruschke, PE, PP, CME
Vice President
T 908.238.5000 F 908.730.6500
john.ruschke@hatchmott.com
TOWNSHIP OF DENVILLE

Request For And Certification As To The Availability
Of Adequate Funds For A Contract Which Is Pending Approval
By The Governing Body

Date of Request  07/16/13

Hatch Mott Mac Donald
53 Frontage Rd. Suite 170
Hampton, NJ 08827
Name and Address of Contractor

Phase I Broadway Street Scape $16,700.00
Name of Description of Pending contract Amount of Contract

This contract will be charged to the following budget appropriations as per the detailed budget:

<table>
<thead>
<tr>
<th>DEPT., ACCT. #, ORD. #</th>
<th>Misc. Contractual Services</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td>04-216-55-549-911</td>
<td>$16,700.00</td>
<td>$16,700.00</td>
</tr>
</tbody>
</table>

TOTAL $16,700.00

Signed: ____________________________________________

Department or Division Head

PLEASE ATTACH A COPY OF PROPOSED CONTRACT

I hereby certify that adequate funds are available in the General Capital Fund under the following line item account(s):

04-216-55-549-911 $16,700.00

All Certification Payments should be placed on white vouchers with the Certification Number shown on the voucher.

COMMENTS:
Fund availability are predicated on available budget

Michael J Guarino 07/16/13
Chief Financial Officer

CERT13-11
RESOLUTION AUTHORIZING THE REFUND
OF MONEY DUE TO THE REDEMPTION
OF A TAX SALE CERTIFICATE.

WHEREAS, the Township of Denville held a Tax Lien Sale on 12/2/2011 for
Delinquent 2010 Calendar Year Taxes & Sewer Assessment, and a Tax Sale Certificate was purchased by
Virgo Municipal Finance Fund LP on Block 60201 Lot 2; and

WHEREAS the owner of said property has paid to the Tax Collector all monies due for the
Redemption of said Tax Sale Certificate.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Council of the Township of Denville, in
the County of Morris and State of New Jersey, that the Tax Collector is hereby authorized and directed to
prepare a voucher to refund the amount shown below to the named lien holder; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is hereby authorized and directed to
forward the check to the Tax Collector to be delivered to said person after proper notation has been made
on the Tax Records.

<table>
<thead>
<tr>
<th>BLOCK / LOT</th>
<th>PURCHASER OF LIEN</th>
<th>REFUND</th>
</tr>
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<tbody>
<tr>
<td>60201 2</td>
<td>Virgo Municipal Finance Fund LP</td>
<td>$28,878.88</td>
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<tr>
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<td>1441 Broadway, Suite 5010</td>
<td></td>
</tr>
<tr>
<td></td>
<td>New York, NY 10018</td>
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</tbody>
</table>

Certificate # 2011-045

Premium Returned $6,500.00

I, DONNA I. COSTELLO, MUNICIPAL CLERK
OF THE TOWNSHIP OF DENVILLE, DO HEREBY
CERTIFY THE ABOVE TO BE A TRUE AND EXACT
COPY OF RESOLUTION ADOPTED BY THE MUNICIPAL
COUNCIL OF THE TOWNSHIP OF DENVILLE AT THEIR
MEETING HELD ON ____________________________.

CERTIFICATION DATED: DONNA I COSTELLO, RMC/CMC
MUNICIPAL CLERK
TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
WORKSHOP MEETING

JUNE 18, 2013

The Meeting was called to order at 7:30 p.m. by President Fitzpatrick. The Salute to the Flag was recited, followed by the reading of the Open Public Meetings Act Statement by Clerk Donna Costello.
ROLL CALL: GABEL, GOLINSKI, KUSER, SCOLLANS, SMITH, FITZPATRICK.
ABSENT: LYDEN
Mrs. Costello noted that Councilwoman Lyden called to advise that she will not be here tonight.
ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD, TOWNSHIP ENGINEER RUSCHKE AND TOWNSHIP PLANNER KASLER.

President Fitzpatrick advised that there is a change in the Agenda. He said that recognition of the Mayor’s Committee for People with Challenges is being rescheduled to the September 10th Council meeting.

OPEN PUBLIC PORTION:
Ted Einhorn of the law firm of Einhorn and Harris located in Denville. Mr. Einhorn, speaking as a citizen of Denville, congratulated all who are involved with the various celebrations of Denville’s Centennial. He said that they have been doing a wonderful job.
Mr. Einhorn then stated that he is here on behalf of the hotel on Morris Avenue to comment on the proposed hotel/motel ordinance that is on tonight’s Agenda.
Attorney Einhorn commented that there are two important areas that he feels that the Council should consider before this proposed ordinance is even discussed.
1. Traffic issues on Morris Avenue. Mr. Einhorn said that in 2006 there was an application for a use variance to erect a hotel right next to the existing hotel. He noted that the application was denied after two years based upon the expert testimony, from the applicant’s expert, that the Green Pond intersection with Morris Avenue is in a failure mode and is a less than ideal situation. Mr. Einhorn advised that this report was submitted in 2008 and contained further comments by the expert indicating that the conditions would worsen after the build out. He said that now, six years later, the conditions have surely deteriorated and there is talk of at least one more hotel being added to that. Attorney Einhorn quoted from the Board’s denial of the variance, indicating that the entire Morris Avenue area is problematic from a traffic standpoint. He suggested that, before the Council goes any further, a traffic study should be conducted.
2. Mr. Einhorn stated that, before taking any action on this proposed ordinance, the occupancy rate for hotels/motels in this area of Morris County should be investigated.
Attorney Einhorn advised that the Council seek more information on these two issues before taking any action. He said that it would be a wise step, in light of the fact that
the Township’s own Board of Adjustment denied the variance that was sought because of traffic issues.
President Fitzpatrick thanked Mr. Einhorn and said that he has brought up some very good questions. He noted that the Council is scheduled to workshop this ordinance this evening with our Planner. Mr. Fitzpatrick added that many of those questions have come up in subcommittee meetings.
CLOSE PUBLIC PORTION.

President Fitzpatrick turned the meeting over to the Mayor and Administrator for an overview of the Estling Lake Road Rehabilitation Project.
Mayor Andes noted that he has had many developers who wanted to build very large projects on virgin land in Denville and he turned them away. The Mayor said that Mr. Forgione came in about a year ago with a proposal that sparked his interest because it involved rehabilitating the old manufacturing facility adjacent to the railroad tracks on Estling Lake Road. He cited the lack of payment of taxes and the unsightly conditions that exist on the property currently.
Mayor Andes advised that it is a modest project of 100 units, which include 15 COAH units, and the developer would bring sewers into the neighborhood.
The Mayor stated that, after being discussed in a subcommittee, the Council is ready to hear from the Planner about a rehabilitation plan. He added that he has been e-mailing the neighbors in the area about any meetings that are held on this issue. Mayor Andes stated that he did e-mail the eight or nine neighbors and advise them of tonight’s meeting.
Planner Jason Kasler gave a power point presentation on the rehabilitation project. A copy is attached to these minutes.
Mr. Kasler explained that the process for the rehabilitation ordinance is that it would be introduced by the Council on first reading, as with any other ordinance, and it would then be sent to the Planning Board for a consistency review. He said that, when it comes back to the Council, there is a second reading, the Township would enter into a developer’s agreement and finally, it would be submitted to the Department of Community Affairs where all rehabilitation and redevelopment is taken care of.
President Fitzpatrick noted that, through the rehabilitation program, we have the opportunity to be very specific in what we will allow. He asked if the Township has ever done a rehabilitation area before.
Administrator Ward replied that, as far as he knows, we have not. He said that there may be other qualifying sites that would enable us to declare another site in need of rehabilitation or redevelopment in the future.
President Fitzpatrick noted the Councilwoman Smith, Councilman Gabel and himself met as a subcommittee on this issue. He opened the floor to the Council for questions. Councilman Scollans commented that, in previous discussions, a turnaround was mentioned. He said that he gathered, from Mr. Kasler’s presentation, that a turnaround
would not be necessary with this plan.
Mr. Kasler replied that there was originally a discussion of a "kiss and ride" with the Department of Transportation regarding the train station to the east. He said that his understanding is that that whole area is wetlands and is not a viable option. Mr. Kasler noted that if there is no guard or gate at the guardhouse, vehicles would be able to come in and turn around.
Mr. Scollans asked if this project has a positive or negative effect on the ability of vehicles to turn around, instead of having to back all the way out of the road.
Mr. Kasler replied that drop-off at the train station has been an on-going problem, which would have been abated by the "kiss and ride" next to it; he said that he does not know if this site can accommodate that as well.
Councilman Golinski thanked Mr. Kasler for his thorough report. He asked about the taxes in arrears for 2012. Mr. Golinski said that the figure is much lower than previous years and he asked if they were partially paid. Mr. Kasler replied that he acquired this number from the Tax Assessor and his guess is that the Township has received payment for part of the taxes owed. Councilman Golinski cited a Daily Record article regarding the change in demographics and in housing that gives the resident the luxury of walking to the downtown area or to a train station. He said that this may be just the right time for Denville to jump on that bandwagon. Mr. Golinski noted that having people in apartments would be a lot better than having an empty box factory.
Mr. Golinski asked if this would be spot zoning and how would it could be used here if spot zoning is prohibited. Mr. Kasler replied that, the short answer is that this would be "legalized spot zoning" because it is a rehabilitation.
Councilwoman Smith asked for an explanation of taxes owed and how the Township would be paid during the building of this project.
Mr. Kasler replied that, in a rehabilitation project, the town is offered a PILOT, which is Payment In Lieu Of Taxes. He explained that the municipality gets 100% of the income instead of taxes and the municipality gets to decide how it wants to divvy up that income. Mr. Kasler said that there are two parts: taxes on the land and taxes on the structures. He said that, during construction the town will collect taxes on the land and once the structures start being built and there is stabilization, the town will collect a percentage, which would be worked out with the developer. Mr. Kasler noted that with rehabilitation projects PILOTs are limited to a short term of five (5) years after which it returns to the normal tax structure. He said that the income will be a percentage of the rents and, as the rents rise, the town will receive more money. Mr. Kasler noted that how it is divvied up by the town is designated in a PILOT plan.
Mayor Andes interjected that the land is assessed at $1,080,000 and all the entities - the two school boards and the County- would share in the taxes, as they normally would. He said that through the five-year PILOT plan, that segment of the taxes would remain the same. The Mayor advised that, with the PILOT program, the taxes are estimated to be roughly $240,000 per year, in addition to the property taxes on the land. He said that the Township will be able to decide how that $240,000 will be disbursed
among the other entities. Administrator Ward noted that the PILOT doesn’t kick in until a certain percentage of the development is completed but the land assessment and those taxes continue throughout. Councilwoman Smith noted that there are many aspects involved in getting this project started and, in the meantime, we have a building that is in serious disrepair. She asked what we have done so far to prevent the mischievous actions that have been taking place on the site. Administrator Ward replied that, without the property maintenance ordinance which is in the process of being adopted, we have very little teeth with which to address these types of issues. He added, however, that the prospective developer has been very cooperative and has taken steps to clean up the property. Mr. Ward advised that he has seen the site since the clean up and it is buttoned up as well as an abandoned factory can be.

Councilman Kuser asked, with regard to the five-year distribution plan for payment in lieu of taxes, if the Council votes on how it is divvied up, or is it an Administration decision. Administrator Ward replied that he would defer to the Township Attorney on that, but he believes that anything of that nature would involve the Township Council. Mayor Andes added that he thinks it is something that we would all want to be in agreement on.

Councilman Kuser commented that he thinks it is a good project and there were not many objections from the neighbors in the area. Mayor Andes noted that there are some concerns but the neighbors mainly feel that it is an improvement to the neighborhood. He said that a certain percentage were against it because it will change the neighborhood but most saw the validity of the project. Councilman Gabel asked what the probability is that this area might be developed as an indoor recreational facility. Mr. Kasler replied that he does not see that happening as that type of facility needs highway access.

Mr. Gabel asked if Mr. Kasler can visualize any other uses for this site. Mr. Kasler replied that, looking at it, it calls out to multi-family. He said there would not be single family because of the proximity to the railroad right of way. Mr. Kasler noted that this project is well designed and fits in perfectly. Mr. Gabel stated that he thinks this is the best thing we could do with this property. Councilwoman Smith asked what the downside of a rehabilitation project is; why would someone not do it. Mr. Kasler replied that he does not see a downside with this project. He said that you may not see a lot about it but, if you do a Google search, you will see that a lot of towns are doing rehabilitation and redevelopment.

Mrs. Smith asked what would happen if the developer defaults. Mr. Kasler replied that the ordinance provides some protection by then allowing single family homes. Councilman Scollans commented that everyone seems to be in favor of this project but
we have to look at the reality of the problems that exist. He said that there is a huge problem in that area with traffic. Mr. Scollans noted that this project will add to that issue and he asked what we can do with this project to improve the traffic problem. Mr. Kasler replied that the rehabilitation is a tool for both the developer and the municipality. He said that if this site was left as an Industrial Zone, the tractor trailers that could be on that property would be a worse devastation than the traffic generated from a multi-family development there. Mr. Kasler noted that Administration has been working with N. J. Transit and the timing of lights would have to be addressed. Administrator Ward added that, in the site's current industrial use, at the peak hours when people are being dropped off for the train, that would be the typical flow of the industrial traffic. He said that the traffic from this development would have little or no impact since it would be going in the opposite direction. Mr. Ward commented that the alternate road options are not all dead and will be discussed later. He said that three of them are due to private property issues, but there is one that is still a potentially viable option.

Mr. Scollans said that he feels that we need to put together the best engineering and planning plan, working with the developer, to solve these issues. Township Engineer John Ruschke advised that there were discussions with the developer concerning road improvements. He said that there was also discussion regarding an area that would be available for a turnaround as part of the plan. Mayor Andes explained the scenario that he has observed of how people cross the tracks, turn around and, when the train comes, go to the gate and let their children out to catch the train. Mr. Ward commented that the Mayor had gone out early in the morning on two or three occasions to observe the traffic situation at the train station. He said that it was an eye-opener because the situation is not exactly what had been described to the Township.

President Fitzpatrick asked if the rehabilitation plan is becoming the norm. Mr. Kasler replied that it is being used more often but is not necessarily the norm. President Fitzpatrick asked what our options would be if the project fell through. Mr. Kasler replied that the ordinance is written for a specific project and would have to be re-written for something else but, single family homes could be built there. President Fitzpatrick noted that this is an opportunity to change an eyesore and listed the following options for the site:

1. Remain a manufacturing facility - not considered a good option.
2. Residential opportunity -not often this small with such small disruption to the area.

President Fitzpatrick commented that another mayor and council in the future might let a much larger development go in on this site. He said that there are issues but some of them are independent of this project. President Fitzpatrick directed the discussion to the search for an alternate egress from that area. He asked if there is information on how often people are stranded due to a train break-down. Administrator Ward replied that based upon the investigation and inquiries to N. J.
Transit, there have been two (2) occasions over the past forty (40) years when the train broke down and either completely, or partially, blocked the tracks into that neighborhood. Mr. Ward explained that every five (5) to seven (7) years N. J. Transit performs a track alignment to repair the widening of the tracks that occurs due to the weight of the trains. He added that, in these instances, the neighbors are forewarned so that they can park in the N. J. Transit lot over the weekend while the work is being done.

Administrator Ward spoke about his memo of June 14, 2013 and explained each option for an alternate egress in that area. A copy of that memo is attached to these minutes. Mr. Ward noted that Option #4 - an access road along the N. J. Transit Right-of-Way between Estling Lake Road and Lackawanna Avenue is still under consideration. Engineer Ruschke advised that there is a significant, approximately 30 ft., rock outcrop very close to Estling Lake Road. He said that he did a quick and dirty profile and it looks like the maximum reasonable grade that we can work with is about 10%. Mr. Ruschke added that it would require a substantial amount of excavation. He said that, best case scenario, the construction costs could be in the area of $200,000, or more. Mr. Ruschke noted that the N. J. Transit requirements could be a considerable addition to the cost.

Administrator Ward interjected that, in speaking with the developer, the Mayor, Engineer, Planner and himself have discussed, as part of the developer’s agreement, developer contributions that would be paid to the municipality. He said that it would help us considerably in potentially putting in this road. Mr. Ward noted that, since there has been so little need over the past forty (40) years for an emergency access road, he asked might there not be a better expenditure for improvement in that neighborhood. President Fitzpatrick opened the floor for questions from the Council.

Councilmen Gabel and Kuser had no questions.

Councilwoman Smith said that maybe the Mayor would prefer a neighborhood park. Mayor Andes replied that that was something that the last Administration talked about. He said that they wanted to put a destination playground on the Falconieri property and he was adamantly against that idea. The Mayor noted that he does not ever want to see a playground up against railroad tracks.

Mayor Andes asked Engineer Ruschke to clarify exactly what type of road we would get for the costs that he quoted. Mr. Ruschke replied that he was concentrating on a twenty (20) foot wide road, just as an emergency access. He said that he even looked at the practicality of reducing that width, given that rock outcropping. Mr. Ruschke added that, if the requirements of N. J. Transit are what he thinks they will be, it will be cost-prohibitive to even get this road in. He said that if N. J. Transit indicates that they are willing to be more flexible, we may be able to get a one-way road in. Mr. Ruschke advised that he was thinking of gravel and his projections were the bare minimum for that $200,000.

President Fitzpatrick asked the Mayor and Administrator what the next step will be on this project.
Mayor Andes replied that they are going to continue to work on the emergency access road, no matter what happens with this project. The Mayor noted that Mr. Forgione has a time frame on his contract so this would have to be introduced next week and adopted at the July 16th meeting because the building will go into foreclosure on August 1st. He said that this is the time line that they have been working on for some time now. President Fitzpatrick asked the Council members if there is anything they want to have added to the ordinance.

Councilman Scollans said that he believes we need to keep looking at the options and find the best and safest solution. Councilman Golinski thanked everyone involved for pulling this together. He said that he supports the resolution designating this area as in need of rehabilitation. Councilwoman Smith said that she understands the concerns that this project may increase some of the traffic issues but she feels that it will be an improvement to the neighborhood. Mrs. Smith stated that she has faith in our Administration to develop an access road if at all possible.

Councilman Kuser commented that he thinks it is a great project. Councilman Gabel stated that he can support the resolution as presented. President Fitzpatrick said that he supports the resolution as well and thinks it is a good opportunity to do something where it is obviously needed.

**PROPOSED HOTEL/MOTEL ORDINANCE**

Administrator Ward noted that this ordinance was discussed at a workshop in February and sent back to a subcommittee with comments from the Council. He said that Planner Kasler made some modifications to clean up the existing ordinance, which has some inconsistencies, and modernized some of the definitions.

Mr. Kasler provided a packet to each Council member which explained the legislative intent of the ordinance and indicated the modifications that he has made to the ordinance. A copy of that packet is attached to these minutes. Mr. Kasler noted that the ordinance would prohibit motels in B2 and B2A zones, which is permitted under the current ordinance. He said that it would remove hotels from the “Primary Intended Use” of the I-1 zone.

Mr. Kasler went through the other modifications in detail.

President Fitzpatrick opened the meeting to the Council members for questions. Councilman Gabel asked for clarification of the areas within our boundaries where this would be applicable. Mr. Kasler replied that, right now, the Township ordinance allows for motels on Route 10 and Route 46. He said that this ordinance proposes to prohibit them, adding that motels are no longer fashionable. He noted that they lead to security and safety issues so this ordinance is removing motels as a permitted use throughout the town.
Councilman Kuser asked who owns the eight properties that will be in this newly created one.
Mr. Kasler replied that when he drafted this ordinance he was unaware of property ownership. He said that he worked from tax maps and GIS information. Mr. Kasler advised that it is his understanding that, on Enterprise Road, four or five properties are held by one owner. He said that he does not know who owns the property on Vanderhoof.
Mr. Kuser noted that the issue of traffic was raised and he asked if there is going to be a traffic study. He commented that the lights have been reconfigured and it is a different area than it was six years ago. Mr. Kuser stated that he disagrees with the argument concerning the occupancy rate. Mr. Kasler said that he did not look at occupancy rate when drafting this ordinance.
Mr. Kuser asked about hotels being used for low income housing. Mr. Kasler replied that affordable housing is an issue that no one really understands.
Mr. Kuser clarified his question by adding that he does not mean that he wants to see hotels housing low income clients. He said he was referring to the County putting people up in hotels.
Mr. Kasler replied that Denville has satisfied its obligation, and then some. He said that if the Council is uncomfortable with extended stays, provided by the County renting rooms, a section prohibiting extended stays can be added to the ordinance.
Mr. Kuser asked for a definition of extended stay. Mr. Kasler replied that it comes down to how the hotel operates. He said that he would have to do research on the industry standard as to whether extended stay means more than seven (7) days. Mr. Kasler noted that he could specify in the ordinance that the hotel is for transient hotel use, not extended stay.
Mr. Kuser asked about the exclusion of motels on the highways and whether hotels are also excluded. Mr. Kasler responded that only motels are excluded but hotels are permitted only in the I-2 zone as a conditional use. He added that there are only three (3) I-2 zones but only one of them is within a half mile of a federal highway.
Councilwoman Smith asked if a conditional use is something that can be overridden. Mr. Kasler explained the difference between permitted use, conditional use and prohibited use.
Mrs. Smith commented that her concern is that, people can go before the Planning Board or Board of Adjustment and make a case for a variance and, after having crafted a specific ordinance, the board approves the variance and it doesn’t turn out the way we expected. She asked how we can tighten it further so that our intents are carried forward. Mr. Kasler said that with any zoning ordinance, a request can be made for a variance.
Mrs. Smith asked Mr. Kasler to obtain information on how many free-standing hotels are still out there, as opposed to hotels in a cluster.
Councilman Golinski asked if it is correct that this ordinance allows for a five (5) story hotel. Mr. Kasler said that is correct.
Mr. Golinski commented that he feels that we do have a need for more hotel space in town. He said that he has tried to make reservations for himself and his family in the existing hotel and has been told that nothing was available. Mr. Golinski stated that he thinks hotel space is more efficient than motel space.

Mr. Golinski asked what the response should be if someone asks if the town is doing spot zoning. Mr. Kasler replied that this ordinance deletes motels from different zones so it affects not only the nine properties in a specific area, but also all of the properties along Route 10 and Route 46. He noted that, while we look at the entire I-2 zone, we put conditional use standards on it so that it doesn’t impact the local streets as much.

Mr. Kasler added that this ordinance was drawn in such a way that it is not spot zoning. Councilman Scollans asked why the generator distance from the property line is set at 45 ft. instead of 25 ft. Mr. Kasler replied that, in looking at it, he thinks it should be dropped to 40 ft. instead of 45 ft. because a 40 ft. side yard is required. He said the concept is that the generator for a hotel will be much larger, and louder, than that of a single family home generator.

Mr. Scollans asked if there is any way to control pricing of rooms in a hotel so that they don’t drop to the level of “undesirables”.

Mr. Kasler replied that, not being an attorney, he can’t answer that, but he thinks the price will be based upon the room size and the amenities.

Mr. Scollans said that his concern, with two hotels next to each other, is that there could be a pricing war which could attract undesirables.

Mr. Scollans asked how Mr. Kasler would address the overlay in general as being designed specifically for this project. Mr. Kasler replied that this is not being done as an overlay; it is a modification to allow for hotels, as conditional uses, in the I-2 zone.

Mr. Kasler explained that the overlay process would be that there would be a separate ordinance that is created for a specific area. He said that this ordinance not only looks at the I-2 zone but the B-2 and the B-2A zones as well.

Administrator Ward interjected that an overlay ordinance was before the Council last year and was permanently tabled. Mr. Ward noted that this ordinance is structured differently because there were the same concerns that have been brought up now and the two ordinances are completely different animals.

Councilman Kuser asked if the current hotel will be brought into conformance with this new ordinance. Mr. Kasler replied that, as to the use, it would be conforming but he did not check the standards.

Mr. Kuser asked what the floor area ratio is now. Mr. Kasler replied that right now in the I-2 zone it is a 25% floor area ratio. He said that this ordinance will allow up to 55% floor area ratio. Mr. Kuser asked what the current hotel’s floor area ratio is. Mr. Kasler replied that he is not sure but thinks it is in the 60’s. Mr. Einhorn interjected that it is between 43 and 45%.

Mr. Kuser asked if the current hotel could increase its floor area ratio. Mr. Kasler said that it would, if it could meet the conditions of the ordinance.

President Fitzpatrick asked how traffic will be handled with another hotel in the area.
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Mr. Kasler replied that it would have to be handled at the Board level. Councilman Golinski commented that he thinks there would be less of a traffic impact with a hotel than with a business or other type of industrial use coming into that area. President Fitzpatrick asked the Council members to comment as to whether or not they support the ordinance. Councilman Scollans said that he agrees that there should be a traffic study to determine the traffic impact on the area. Councilman Golinski noted that Mr. Scollans misunderstood his comments. He said that he does not see a need for a traffic study because something could go into that area that would create a much greater traffic impact than a hotel. Administrator Ward interjected that, if one of the property owners wished to develop in accordance with the revised ordinance, it would be their burden, before the appropriate Land Use Board, to do a traffic study. Councilman Scollans asked if this will have to go before the Board of Adjustment. Mr. Kasler advised that, if it meets the standards and there are no variances, it would go before the Planning Board. Councilwoman Smith said that she agrees that, with the type of community that Denville is, we could support this. She stated that she agrees to move forward and also to keep an open mind when hearing testimony from interested parties, and from the public. Councilman Kuser noted that he is in favor of the project and thinks it is a good enhancement. He said that his only question concerns the floor area ratio, but that Mr. Kasler has said that 55% is an appropriate number for a hotel. Councilman Gabel commented that he is in favor of the ordinance.

President Fitzpatrick noted that there are still things to be worked out but Administration now has an idea of the Council’s inclinations towards this ordinance.

MOTION TO ADJOURN: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GOLINSKI
AYES: UNANIMOUS
ABSENT: LYDEN

MEETING ADJOURNED AT 9:55 P.M.

Respectfully submitted by:

[Signature]
Kathleen A. Costello
Deputy Township Clerk
2013 Township of Denville New Jersey
30 Estling Lake Road Determination
of Area in Need of Rehabilitation

PREPARED FOR
THE MAYOR & COUNCIL
OF THE
TOWNSHIP OF Denville, NJ

PREPARED BY
KASLER ASSOCIATES, PA
34 Little Brook Road
SPRINGFIELD, NEW JERSEY 07081
June 12, 2013
The original document was signed and sealed on June 12, 2013 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

Jason L. Kasler, AICP, PP
Kasler Associates, PA
Professional Planner #5240

Kasler Associates, PA ©
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Introduction

The purpose of this report is to determine whether 30 Estling Lake Road of the Township of Denville qualifies as an Area in Need of Rehabilitation as defined by the Local Redevelopment and Housing Law (NJSA 40:12A-1 et seq., hereafter referred to as LRHL). This analysis has been conducted pursuant to the LRHL, which specifies the conditions that must be met within the delineated areas.

The area under consideration is comprised of a single tax lot located on the north side of Estling Lake Road west of its intersection with East Main Street (hereetofore referred to as the "subject property"). The scope of work for the study encompassed the following: surveys of land uses, building and property conditions, occupancy and ownership status within the study area; review of municipal tax maps; review of the existing zoning ordinance and map for the Township of Denville; review of the relevant sections of the Denville Master Plan; evaluation of water and sewer conditions in the study area in conjunction with Denville's Township Engineer; and review of the official tax records of the Township of Denville.

The following describes the existing conditions of the subject property, its locational context and the condition of water and sewer infrastructure in the study area and vicinity. This report discusses the existing zoning regulations for the subject property and the area's relationship to the Township's Master Plan, the statutory criteria used to determine whether an area is in need of rehabilitation and then applies those criteria to the subject property to determine whether it qualifies for rehabilitation designation. As more fully described in the body of the report, it is conclude that the study area meets the statutory criteria for designation as "an area in need of rehabilitation" in accordance with the LRHL.
Existing Conditions of the Subject Property
The study area consists of a single tax lot located on the northern side of Estling Lake Road west of its intersection with East Main Street. The lot is identified as Block 30601, Lot 6, on the Township's official tax maps (displayed below in green).

To get a better understanding of the relationship between lot 6 and the surrounding properties, a more complete portion of the tax map is present below (again with the subject property outlined in green).

The boundaries of the study area are Estling Lake Road to the south, the Morris and Essex Main Railroad tracks to the north, lot 9 to the east and lot 2 in block 3001 to the west. The subject property encompasses a total area of approximately 7.04 acres, according to the Township's tax records.

The study area is located in the western portion of the I-1 (industrial) district of the Township of Denville. This lot is the former site of a box manufacturing facility. This is the only industrial
zoned property on the south side of the rail road right of way in this area. The lands to the south and west of the subject property are utilized for single family development.

Criteria for Rehabilitation Area Determination

An area may be designated in need of rehabilitation by the municipal governing body if it is determined that the area exhibits one of the following conditions:

A significant portion of structures in the area are deteriorated or substandard; there is a continuing pattern of vacancy, abandonment, or underutilization of properties in the area; and a "persistent arrearage" of property-tax payments; or

More than half the housing stock in the delineated area is at least 50 years old, or a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

Zoning of the Subject Property

The study area is located in the I-1 Industrial District of Denville. The I-1 zone has the following regulations:

19-5.2201 Primary Intended Use.

This zone is designated for offices for business, professional, executive or administrative purposes, scientific or research laboratories, hotels, industrial and manufacturing uses and indoor commercial recreation. The intensity of operations shall not exceed the limitations imposed by the performance standards hereinafter set forth in this Section. Also permitted in this District are:

a. Public utility uses as a conditional use, as set forth in Section 19-5.10.

b. Parking conforming to Section 19-5.8.

c. Signs conforming to Section 19-5.9.

d. Accessory uses customarily incident to the above uses. For indoor commercial recreation centers, accessory uses include locker and changing rooms, showers, day care facilities, related medical, chiropractic or physical therapy professionals, small cafes, snack bars and pro shops provided that access to such accessory uses is only from within the facility. No outdoor advertisement is permitted for such accessory uses.

(Ord. #2-77, §19-5.2201; Ord. #3-99, §1; Ord. #12-02, §10)
19-5.2202 Prohibited Uses.

No land or building shall be used or occupied which does not conform to the performance standards of subsection 19-5.2205. In addition, the following uses are specifically prohibited.

a. Residential construction or conversion.

b. Commercial incineration.

c. Junk yards.

d. Rubbish, garbage or trash dumps.

e. Outside storage unless in conformance with subsection 19-5.714.

f. Nursing homes.

g. Institutional uses as set forth in Section 19-5.10.

h. Retail sales except as may be accessory to a permitted use and accessible only through the principal use.

(Ord. #2-77, §19-5.2202; Ord. #12-02, §11)

19-5.2203 Required Conditions.

a. Height. No structure shall exceed a height of two (2) stories provided the building is not higher than thirty (30') feet.

b. Front Yard. There shall be a front yard of not less than twenty-five (25') feet. Off-street parking is permitted in the front yard as regulated in subsection 19-5.803f.

c. Side Yard. There shall be two (2) side yards and no side yard shall be at less than twenty (20%) percent of the average lot width provided that in no event shall any side yard be less than twenty (20') feet. Off-street parking is permitted in the side yard provided no parking area is closer than ten (10') feet to any property, nor five (5') feet to any building.

d. Rear Yard. There shall be a rear yard of not less than fifty (50') feet. Where any alley or railroad right-of-way abuts the rear of the property, such space may be counted as part of the rear yard. Off-street parking is permitted in the rear yard provided no parking area is closer than ten (10') feet to any property line nor five (5') feet to any building.

e. Special District Boundary Buffer Area. No building shall be built within seventy-five (75') feet of any residence zone line and off-street parking and access drives shall be set back twenty-five (25') feet from such zone line to establish a buffer area as defined herein. Said buffer area shall be suitably landscaped as approved by the Planning Board.

f. Lot Area. Each lot in the I-1 Industrial District shall contain a minimum lot area of at least one (1) acre and shall have a frontage at the front street property line of at least one hundred seventy-five (175') feet.

g. Maximum Floor Area Ratio. The gross floor area of all floors of all buildings shall not exceed twenty-five (25%) percent of the total lot area.
h. **Landscaping.** The requirements of subsection 19-5.2003 g shall be met.

i. **Loading.** Loading and unloading shall be done in other than front yard.

Before the issuance of a building permit within this zone, the Planning Board shall review and approve a site development plan of the proposed use and shall ascertain that all requirements of this Article are complied with. 
(Ord. #2-77, §19-5.2203; Ord. #28-81, §10)

**19-5.2204 Permits and Operations.**

In addition to the usual required building permit application, an application for any building permit or certificate of occupancy in the I-1 Industrial District shall be submitted to the Building Inspector in duplicate on forms prepared by the Planning Board. The applicant shall also submit in duplicate all plans of the proposed construction and development; including a description of the proposed operation. If it appears from the application that the intended use may not conform to the performance standards established for this zone, the Planning Board shall request the applicant to submit a deposit of five hundred ($500.00) dollars which will be used to defray the cost of special reports required to process the application. The Planning Board shall refer the application for investigation and report to one (1) or more expert consultants selected by the Board as qualified to advise on conformance to the required performance standards. Such consultants shall make a written report within thirty (30) days after his receipt of such application. At the next regular meeting of the Board or within thirty (30) days of receipt of consultant's report, whichever comes sooner, the Board shall render a decision in the form of a written report regarding the application. Any permit authorized and issued shall be conditioned on, among other things, the applicant's completed buildings and installations in operation conforming to the applicable performance standards and the applicants paying fees in excess of five hundred ($500.00) dollars if needed to cover experts' above-mentioned reports. All monies not used to pay for the services of the expert consultant shall be returned to the applicant at the time the Board renders the written decision. A copy of all reports or decisions shall be promptly furnished to the applicant. 
(Ord. #2-77, §19-5.2204)

**19-5.2205 Performance Standards.**

Before the issuance of any building or occupancy permit for any use in the I-1 District, all of the following minimum standards must be complied with:

a. **Fire and Explosion Hazard.** All activities shall be carried on only in structures which conform to the standards of the National Board of Fire Underwriters or the Township Building Code or Fire Ordnance, whichever is more restrictive. All operations shall be carried on and explosive raw materials, fuels, liquids and finished products shall be stored in accordance with the standards of the Board of Fire Underwriters.

b. **Radioactivity.** Any industrial activity which emits dangerous radioactivity at any point is prohibited.

c. **Smoke, Dust, Fumes, Odors, Gases.** There shall be no emission of any smoke, fumes, gas, dust or odors. These and any other atmospheric pollutant which is detectable to the human senses at the boundaries of the lot occupied by such use is prohibited.
d. **Liquid or Solid Wastes.** No operation shall discharge wastes of any kind into any reservoir, pond, lake, underground stream or underground water source. The discharge of untreated wastes into a stream is prohibited. All methods of sewage and industrial waste treatment and disposal shall be approved by Township and New Jersey State Health Departments. Effluent from a treatment plant shall at all times comply with the following standards:

1. Maximum five (5) day biochemical oxygen demand - five (5) parts per million.
2. Maximum quality of effluent - ten (10%) percent of minimum daily stream flow.
3. Maximum five (5) day biochemical oxygen demand after dilution (B.O.D.) of effluent multiplied by quantity of effluent divided by quantity of stream flow - one-quarter (0.25) part per million.
4. Maximum total solids - five thousand (5,000) parts per million.
5. Maximum phenol - one-tenth (0.10) part per million.

No effluent shall contain any other acids, oils, dust, toxic metals, corrosive or other toxic substance in solution or suspension which would create odors, discolor, poison or otherwise pollute the stream in any way.

e. **Vibration.** There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

f. **Noise.** There shall be no noise emanating from any operation which will be audible beyond the boundaries of the immediate site.

g. **Landscaping.** There shall be established along the line of any lot that is contiguous to any residential district a belt of landscaping or fence or wall as the Planning Board may require which will be adequate to screen the operations of such lot from normal observation from within such residential district.

h. **Loading.** Loading and unloading shall be done in other than the front yard.

Before the issuance of a building or occupancy permit, the Planning Board shall review and approve a site development plan of the proposed use and shall ascertain that all the requirements of this Section are complied with. (Ord. #2-77, §19-5.2205)

**19-5.2206 Permitted Conditional Uses.**

Permitted conditional uses are established as follows:

a. Wireless telecommunications towers in compliance with subsection 19-5.727a, 2, 3 and 4 and subsection 19-5.1009 of this Chapter.

b. Bank and/or financial uses subject to development standards found in subsection 19-5.1011.

(Ord. #3-99, §2; Ord. #16-07, §10)
ZONING MAP
TOWNSHIP OF
DENVILLE
MORRIS COUNTY, NEW JERSEY

Subject Property

Kasler Associates, P.A. © 34 Little Brook Road• Springfield• New Jersey • 07081 • (908)598-1666
Page 7
Master Plan Recommendation

Section 19-5.2201 1-1 Industrial use should be modified to delete retail uses as a permitted use. Much of this zone is located along Route 53. This location is constrained as to being favorable for retail uses. It should also not draw retail uses away from the nearby central business district. Commercial recreation uses, such as the indoor volleyball use, martial arts instruction, and potentially others might be added to the list of permitted uses for this zone.

Master Plan Compatibility

A rehabilitation/redevelopment plan can be looked at as a master plan for the subject property. In fact such a plan, supersedes a general master plan recommendations. When looking at the subject property, as it is currently zoned, it is compatible with the master plan recommendations. At the time of the last comprehensive master plan, this site was an active manufacturing site, a land use at odds with the surrounding land uses. Rather than recommend making this one lot non-conforming, the current master plan recommends potentially re-utilizing sites such as this one for indoor active recreation. The continued use of this property for manufacturing conflicts with the surrounding land use to the south. In fact, this one property is the only I-1 zoned property south of the rail road right of way. While the use of this property for residential uses is not
compatible with the master plan recommend land use, it does however, further many of the goals and objectives of the master plan. The land use plan speaks of

Standard by which to preserve the charter and quality of established neighborhoods and business areas should be promulgated by the Township Council. The two and uses and the occupants therein need each other and need to peacefully co-exist.

The continued utilization of this property for its currently zoned uses conflicts with the surrounding land uses to the south and if re-established, could negatively impact the residential land uses to the south. The master plan also recognizes that as conditions change, so to must the planning efforts.

6. Recognizing and adjusting land use planning efforts where necessary to address changing demographic characteristics and conditions found within the municipality.

The affordable housing coordinator has validated that currently there are no one bedroom affordable housing units in the Township of Denville. This is a demographic that has been overlooked in the master plan and the proposed rehabilitation of this site would address this overlooked demographic. Furthermore, the master plan states as one of its goals:

7. To preserve and protect the suburban character of existing residential neighborhoods by:

a. Establishing zone designations according to existing neighborhood development patterns and according to the environmental limitations found within the respective residential uses;

b. Establishing bulk, density and design standards which are appropriate for the various dwelling types in their respective zones;

c. Establishing regulations to preserve and enhance the visual appearance of residential neighborhoods.

8. Maintaining the Township’s supply of housing types in a well-maintained, safe and healthful condition for all residents including the supply of low and moderate income affordable housing resources for present and future citizens.

The redevelopment of this site for an industrial use would have a detrimental effect on the surrounding residential land uses. While single family development is possible on the subject site, the site’s proximity to this mode of transportation, almost dictates a higher density residential land use be contemplated.
10. Maintaining the Township's system of streets and roads to continue to provide for the safe and efficient movement of traffic and to discourage routes which adversely impact existing and future residential neighborhoods.

The redevelopment of this site will result in improvements for Estling Lake Road along the entire length of the subject property. This will result in improved access properties on both sides of Estling Lake Road in the immediate area of the subject property and improved access to the all property that has frontage along this right-of-way.
Subject properties Evaluation for Compliance with Rehabilitation Criteria

An analysis of the subject properties existing land uses, site layout and physical characteristics was conducted utilizing tax maps/records, physical inspection of the area, review of aerial photography, Master Plan studies and maps. Photos were taken and a property survey form completed for each property.

Block 30601 Lot 6

The study area consists of a single tax lot located on the northern side of Estling Lake Road west of its intersection with East Main Street. The lot is identified as Block 30601, Lot 6, on the Township’s official tax maps.

The boundaries of the study area are Estling Lake Road to the south, the Morris and Essex Main Railroad tracks to the north, lot 9 to the east and lot 2 in block 3001 to the west. The subject property encompasses a total area of approximately 7.04 acres, according to the Township’s tax records.
Aerial Photograph (Viewing to the North)
Approximate site boundary outlined in green.

Aerial Photograph (Viewing to the South)
Approximate site boundary outlined in green.
Aerial Photograph (Viewing to the West)
Approximate site boundary outlined in green.
Aerial Photograph (Viewing to the East)
Approximate site boundary outlined in green.
Aerial Photograph (Western side of building – while occupied)

Three dimensional perspective viewing South
Evaluation:
A significant portion of structures therein are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, with a persistent arrearage of property tax payments thereon;

1) The photos demonstrate that the structure on the site is deteriorated, substandard and vacant.

2) The site contains a use/building that represents an underutilization of the property.

Improvement to land ratio
2:1 is an acceptable ratio, anything under, is an underutilization.

Tax info (2012)

Land Value: $1,080,900
Improvements $1,325,600
Net taxed $2,406,500

$1,325,600/$1,080,900 = 1.226385

3) Persistent arrearage of property taxes:

Taxes owed
2009 $79,996.23
2010 $86,868.46
2011 $59,971.36
2012 $17,169.02
Total $244,005.07

Conclusion

This investigation reveals several key findings that indicate and verify that 30 Estling Lake Road meets the statutory criteria found in N.J.R.A. 40A:12A-5 of the Local Redevelopment Housing Law for an area in need of Rehabilitation.
Resolution

RESOLUTION REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE TOWNSHIP AS AN AREA IN NEED OF REHABILITATION

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the LRHL the Municipal Governing Body of the Township of Denville (the "Governing Body") has determined that Block 30601 Lot 6 in the Township of Denville, in the County of Morris (the "Property") should be designated as an area in need of rehabilitation (the "Rehabilitation Area"); and

WHEREAS, the Property is deteriorated, substandard and vacant; and

WHEREAS, the Tax Assessment illustrates that the current Improvement to land value ratio is less than 2:1 and represents and underutilization of land; and

WHEREAS, the Tax Assessor has confirmed by the Property has a history of persistent delinquency of tax payments; and

WHEREAS, the designation of the Rehabilitation Area as an area in need of rehabilitation is expected to prevent further deterioration and to promote the overall development of the Township in accordance with the requirements of N.J.S.A. 40:12A-14; and

WHEREAS, N.J.S.A. 40:12A-14 also provides that prior to the adoption of a resolution designating the Rehabilitation Area as an area in need of rehabilitation, the Governing Body must first submit a copy of the proposed Resolution designating the Rehabilitation Area to the Township Planning Board for review; and

WHEREAS, the Township intends to designate the Rehabilitation Area by the adoption of the Resolution substantially in the form attached hereto; now therefore

BE IT RESOLVED by the Governing Body of the Township of Denville as follows:

1. Transmittal of Attachment to Planning Board for Review. The Governing Body hereby directs that the Township Clerk transmit a copy of this Resolution, the proposed Resolution Designating the Property to the Township Planning Board for review pursuant to N.J.S.A. 40A:12A-14.

2. Effective Date. This resolution shall take effect immediately.
RESOLUTION DESIGNATING CERTAIN PROPERTY
IN THE TOWNSHIP AS AN AREA IN NEED OF REHABILITATION

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "LRHL") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation; and

WHEREAS, in accordance with the LRHL, the Governing Body of the Township of Denville (the "Governing Body") has determined that Block 30601 Lot 6 in the Township of Denville, in the County of Morris (the "Property") should be designated as an area in need of rehabilitation (the "Rehabilitation Area"); and

WHEREAS, N.J.S.A. 40:12A-14 provides that prior to the adoption of a resolution designating the Rehabilitation Area as an area in need of rehabilitation, the Governing Body must first submit a copy of the proposed resolution designating the Rehabilitation Area as an area in need of rehabilitation to the Township Planning Board for review; and

WHEREAS, the Governing Body, acting by resolution, referred a copy of this resolution to the Township Planning Board for review and comment pursuant to N.J.S.A. 40A:12A-14; and

WHEREAS, based upon the findings of this Report, the Governing Body found that the Rehabilitation Area satisfied the statutory criteria to be designated as an area in need of rehabilitation; and

WHEREAS, the Planning Board reviewed this resolution and recommends its adoption and the designation of the Rehabilitation Area as an area in need of rehabilitation in accordance with N.J.S.A. 40A:12A-14, now therefore

BE IT RESOLVED, by the Township Governing Body of the Township of Denville as follows:

1. Designation of the Area. The Township Council hereby designates the Rehabilitation Area as an area in need of rehabilitation.

2. Transmittal of Resolution to State Department of Community Affairs. The Township Council hereby directs that the Township Clerk transmit a copy of this Resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the LRHL.

3. Effective Date. This resolution shall take effect immediately.
Proposed Rehabilitation Plan

The following terms are added to section 19-1.2 entitled “Definitions”

Patio or Terrace
A level, landscaped, and/or surfaced area directly adjacent to a building and not covered by a permanent roof that is designed for or intended to be utilized for outdoor enjoyment.

The following terms are modified in section 19-1.2 entitled “Definitions”
Story, half shall mean a partial story under a mansard, gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4’) feet above the floor of such story.

Building height shall mean the vertical distance from the average grade to the top of the highest roof beams of a flat roof, the top most portion of any facade, knee wall or similar structure, or the mean level of the highest gable or slope of a hip, mansard, or gambrel roof.

Block 30601 Lot 6

Permitted Uses
The redevelopment of this site shall contain one of the following permitted uses:

1) Single Family Residential Units
2) Garden Apartments
3) Townhouse dwelling units
4) Mid Rise Apartments

Permitted Accessory Uses
Any and all uses of land that is customarily, habitually, and by long practice as being established by reasonably association with, incidental and subordinate to the principal use of the property, including, but not limited to the following:

1) Decks
2) Patios/Terraces
3) Gate House / Guard Booth / Welcome Booth
4) Clubhouse
5) Passive and active recreation
6) Open Space
Density
Single family development shall follow density requirements for the R-3 zone district but in no event shall exceed 6 dwelling units per acre.

Multi family development of this site allows a maximum of 100 dwelling units be constructed on site.

Bulk Standards

For single family residential development, the bulk standards found in the R-3 zone shall apply.

For multi-family dwellings the following bulk standards shall apply:

Principal Building Setbacks:
- Front yard setback (from Estling Lake right-of-way) 25 feet
- Side yard setback 20 feet
- Rear yard setback 20 feet

Accessory Building Setbacks
- Front yard setback (from Estling Lake right-of-way) 50 feet
- Side yard setback 20 feet
- Rear yard setback 5 feet

Parking spaces setback
- Front yard setback (from Estling Lake right-of-way) 20 feet
- Side yard setback 20 feet
- Rear yard setback 5 feet

Building to building minimum distance* 25 feet

Maximum Building Height 35 feet

Maximum Coverage
- Building Coverage 25%
- Impervious Coverage 65%

* This measurement shall the shortest distance between the two buildings including decks, balconies, or other projections from the building façade.
Units per building
In any multi-family dwelling there shall there be no more than eight units per building.

Bedroom Distribution
In any multi-family development there shall be the following distribution of bedrooms:

One (1) bedrooms: 40 percent of the development.
Two (2) bedrooms: 60 percent of the development.
In no case shall any building contain only one bedroom dwellings.

Open Space Requirement
There shall be a minimum of 25 percent of the site to be left in a natural or landscaped open area.

Trash
Each dwelling unit must be designed so as to have a dedicated location for the interior storage of trash or designed in such a way that said trash shall be stored in a dedicated exterior storage facility. If there is no interior trash storage provided for, said external facility shall be constructed in such a way as to be a part of the building with no dissertation between construction material, shall be designed for the trash of a signal unit, and designed in such a way as to prevent wildlife from gaining access. In no instance shall trash be allowed to store trash outside and in no case shall dumpsters be permitted.

Mailboxes
Mailboxes must be provided in either gang mailboxes or located in a club house, or other type of facility.

Parking
The parking requirements shall comport with the Residential Site Improvement Standards (RSIS). All parking spaces located within a detached garage shall be separated from adjacent parking spaces so as to provide a secured parking space. No more than 40 percent of all garaged parking spaces may be located in detached garages.

Lighting
The light requirements shall comport with the section 19-5.731 (Outdoor Lighting) of the Township of Denville's zoning ordinance.
Utility Meters
All utility meters may be located in the interior of the building so long as said meters are located within a common area and not within an individual dwelling unit. If utility meters are located on the exterior of a structure, landscaping must be provided in the vicinity to aid in the screening of said meters.

Air conditioning units, emergency generators, or other sound producing equipment
Any emergency generators, air conditioning units, or other sound producing equipment must be adequately screened by either fencing or landscaping so as to reduce its impact to surrounding land uses.

Signage
With the exception of street signs, traffic control signs, and building identification signs, there shall be a single development identification sign permitted. Said identification sign shall be a groundmounted monument sign, a freestanding sign or if an accessory building is utilized for a guard booth / welcome booth a wall sign may be permitted.

A proposed monument or freestanding sign shall be located on the property, but outside any area required sight triangle, shall contain no more than twenty-four (24) square feet per side and no more than two (2) sides. A proposed monument or free standing sign shall not exceed three feet in height from the base of the sign and may be externally lit.

A proposed wall sign may be permitted only if a guard booth / welcome booth is proposed and said sign is incorporated into this accessory structure. This wall sign shall contain no more than twenty-four (24) square feet and may be externally lit. No development identification may be permitted on any building that houses a dwelling unit, garage or club house.

Access
If only one permanent point of access is proposed, two emergency access points must be provided through the use of grass pavers or other suitable methods.

If gates or other methods of excluding the vehicular traffic are proposed, the application must provide adequate provisions for emergency vehicles as well as turnaround provisions for visitors who have been refused entry.
COAH
The redevelopment of this site must provide affordable housing consistent with the New Jersey Counsel On Affordable Housing (COAH). All said units shall be constructed on site and integrated among all buildings and throughout the development so as to be indistinguishable from the exterior of the building.

For multi-family development, the application shall be required to provide a minimum of 15 percent of the entire number of dwelling units for low and moderate income housing. These affordable housing units can be 1 or 2 bedroom units in compliance with COAH regulations.
MEMORANDUM

TO: Council President Fitzpatrick
   Members of the Township Council

FROM: Steven Ward, Business Administrator

DATE: June 14, 2013

RE: ESTLING LAKE ROAD REHABILITATION PROJECT – DENVILLE MEWS

At the April 12, 2013 Council Work Session, the Township Council asked Administration to review alternatives for an emergency egress for the Estling Lake Road neighborhood. During the past two (2) months, Administration has investigated four (4) alternatives that were either suggested to us from members of the Township Council or determinate to be potentially feasible alternatives based upon our professionals’ examination of topographical maps of the neighborhood. This examination of each of the alternatives included a meeting with the property owner whose property we would need to obtain an easement or outright acquire in order to construct a means of emergency egress. The following is a detail of the alternatives explores and current disposition:

1. EMERGENCY CROSSING OF NJ TRANSIT RAILROAD

   Brief Description: Administration examined the potential installation of a locked/gated emergency crossing of the NJ Transit Railroad tracks.

   Examination: On April 24, 2013, the Mayor, Township Engineer and I met with officials from NJ Transit to discuss the potential of installing an emergency locked/gated access point across the tracks (at one of various locations). In our meeting with NJ Transit, they made it very clear that it was their mission to reduce the number of crossings (including emergency crossings) throughout the State and they indicated they would not provide permission for a crossing of this nature to be installed. This was despite our emphasis on the fact that it would be for emergency purposes only and locked at all other times. Furthermore, NJ Transit
indicated that in the few locations throughout the State where these type of emergency crossings had been historically approved, the cost of initial installation would be approximately $250,000 and that approximately every 5 to 7 years when the tracks are re-aligned, the emergency crossing grates require replacement at a duplicative cost of approximately $250,000.

Disposition: As NJ Transit would not permit us to construct an emergency point of egress, this option is considered closed.

2. CONSTRUCTION OF EMERGENCY ACCESS ROAD OVER BLOCK 30611/LOTS 1 – 5 (FALCONIERI TRACT)

Brief Description: Administration examined constructing an emergency access road across Block 30611/Lot 1 – 5, which would connect Estling Lake Road/Thurmont Road to Lackawanna Avenue.

Examination: This option was initially discussed between Councilman Scollans and Township Engineer Ruschke. As the Township Engineer deemed this as a potentially feasible alternative, the Mayor and I met with Martin Falconieri, the owner of the subject property, on May 3, 2013. Mr. Falconieri had met with the Mayor, myself and other Township professionals in the recent past with a proposal to construct a 250 – 350 unit development on this property, which we rejected. When asked if he would consider granting/selling the Township a permanent easement in order to construct an emergency means of egress from the Estling Lake Road neighborhood, he emphatically indicated he would not be willing to grant/sell an easement for the requested purpose unless the zoning is changed to permit him to develop as indicated above.

Disposition: As property owner is unwilling to grant/sell easement to the Township for construction of an emergency egress, this option is considered closed.

3. CONSTRUCTION OF EMERGENCY ACCESS ROAD OVER BLOCK 30001/LOT 1 (ESTLING LAKE CONSERVATION TRACT)

Brief Description: Administration examined constructing an emergency access road across Block 30001/Lot 1, which would connect Thurmont Road to Birch Run Road.

Examination: This option sought to construct an emergency access road roughly through the center of an 80.26 acre parcel of land owned by the Estling Lake Property Owner Association and identified as a conservation tract. The difference in elevation between Thurmont Road and Birch Run Road is rather severe but according to the Township Engineer, with appropriate stabilization and grading, a road could potentially be constructed in this location. On May 23, 2013, I met with Richard Price, President of the Estling Lake Property Owners Association, to discuss this matter. Mr. Price indicated that there may be willingness amongst Estling Lake to selling the entire 80.26 acre conservation tract or a sizeable portion thereof to the Township. The idea of a simple easement to construct an emergency access road was not an alternative that would be considered.

Disposition: The acquisition costs of such large tract of land would be cost prohibitive. Furthermore, this option would likely be the most controversial option for both current Thurmont Road and Birch Run Road residents. Therefore, this option is considered closed.
4. CONSTRUCTION OF EMERGENCY ACCESS ROAD THROUGH NJTRANSIT ROW

Brief Description: Administration examined constructing an emergency access road within the NJ Transit Right-of-Way ("ROW") between Estling Lake Road and Lackawanna Avenue.

Examination: As part of our April 24, 2013 meeting with representatives from Administration and NJ Transit, we discussed the potential of installing an emergency locked/gated access road within the NJ Transit ROW immediately adjacent to the train tracks. In our discussion with NJ Transit, they indicated that they would be willing to potentially entertain this option and grant us permission, albeit in accordance with their construction requirements/standards, to construct an emergency access road within their ROW.

At the present time, the Township Engineer is performing calculations related to the cost of constructing such an emergency access road, which we anticipate will be available early next week. The distance is roughly 1400 linear feet (1/4 of a mile) and the construction conditions for approximately 400 feet are considerably challenging as there is a large outcropping (30' in height at one point) that would require blasting to remove. Furthermore, NJ Transit indicated they would likely require flag men to be posted during the entire period of road construction project to ensure the safety of the construction crews, train passengers and train tracks.

Disposition: Open for consideration

We’ve discussed these options with the prospective developer, JMF Properties, and indicated that we would seek to include development impact fee for this sort of neighborhood improvement as part of the developer’s agreement, if the rehabilitation ordinance is adopted. They’ve indicated that they would be willing to submit a letter of intent to make such a contribution, if desired. However, even with the preliminarily negotiated contribution of $100,000 to $150,000, there will need to be a large financial commitment from the municipality to construct such an emergency access road.

It should also be noted that in reviewing NJ Transit records over the past forty (40) years, there have purportedly been only two (2) occasions when due to mechanical or other reasons broke down on the tracks. This, of course, is in addition to the track realignment that occurs every five (5) to seven (7) years wherein the tracks are typically closed for a two (2) or three (3) day period but where the residents are provided ample notice to move their vehicles to the opposite side of the tracks prior to commencement of track realignment activities.

In conclusion, the cost estimate ultimately developed by the Township Engineer will determine if Administration can support the expenditure of taxpayer dollars for a road that would have been utilized so infrequently based upon the history from the past forty (40) years. Furthermore, even if Administration and the Township Council agree that the cost outweighs the benefit, Administration would still seek a development impact fee from the developer in order to perform other dedicated improvements aimed at enhancing the quality of life and increasing property values in the subject neighborhood.

If you have any questions, please feel free to contact Mayor Andes, Township Engineer Ruschke or myself.

cc: Mayor Andes
    Township Engineer Ruschke
MEMORANDUM

TO: DENVILLE TOWNSHIP GOVERNING BODY
FROM: JASON L. KASLER, AICP, PP
SUBJECT: PROPOSED HOTEL / MOTEL ORDINANCE

Legislative Intent:

It is the intent of this ordinance to control the location of hotels and motels in the Township of Denville. This ordinance removes motels as permitted uses in the Township of Denville and conditionally allows hotels in the I-2 zone only. The intent of this ordinance is to restrict the location of these uses to parcels within the municipality that would have access to the Federal Highway system without significant impact upon the local road network and hence utilized a distance requirement to access to a federal highway. The ordinance utilizes a combination of floor area ratio, height limitations as well as maximum building footprints to control the total amount of development on a specific site. The ordinance implements a floor area ratio bonus for hotel uses in the I-2 zone. For each percent in excess of the minimum required landscaped area, this ordinance permits an additional two percent of floor area ratio to a maximum floor area ratio of 0.55. This ordinance does not allow for the maximization of the floor area ratio and building footprint at the same time. This was intentionally done to allow for flexibility in the design process. This ordinance would allow hotels to contain accessory uses in accordance with specific regulations.
The following terms are added to section 19-1.2 entitled “Definitions”

Canopy:
A rooflike cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.

Canopy, fixed:
A canopy that is constructed with a rigid frame that can not be retracted, folded or collapsed.

Hotel:
A facility offering transient lodging accommodations to the general public and which may include additional facilities and services such as restaurants, fitness and health centers, meeting rooms, entertainment, personal services, recreational facilities and limited retail.

Landscaping:
To adorn or improve (a section of ground) by contouring and by planting flowers, shrubs, or trees.

Motel:
An establishment providing sleep accommodations for transients often with rooms having direct access to the outside without the need to pass through a lobby.

Parapet:
The extension of the main walls of a building above the roofline.

Portico:
An open sided structure attached to a building and sheltering an entrance or serving as a semi enclosed space.

Recommend the removal of motels from the B2 and B2A zone.
19-5.1501 Primary Intended Use.

This zone is designed for commercial use of the highway sales and distribution type as well as those uses permitted in the B-1 District unless herein prohibited. Also permitted in this zone are:

a. Motels, provided all of the following requirements are complied with:
   1. No motel building or buildings shall be erected or constructed upon any lot containing an area of less than one (1) acre and no such lot shall have less than two hundred (200') feet of frontage upon an improved highway providing the principal means of access.
2. Not more than twenty-five (25%) percent of the lot area devoted to a motel development may be occupied by the principal and accessory buildings.

3. There shall be a minimum of forty (40) units in any single motel development.

4. Notwithstanding the provisions of subsection 19-5.1503e, all motel developments shall provide side yards of at least twenty (20') feet, however, all other provisions of subsection 19-5.1503 shall be complied with.

5. One (1) parking space shall be provided for each motel unit plus additional parking adequate to serve the needs of accessory uses such as restaurants, all in compliance with the provision of subsections 19-5.802 and 19-5.803.

6. Type of construction shall meet with the requirements of the fire zone.

7. No building permit shall be issued for a motel building or buildings until a site plan shall have been submitted and approved in accordance with Section 19-4, Subdivision and Site Plan Review.

Remove Hotels from a "Primary Intend Use" of the I-1 zone.

19-5.2201 Primary Intended Use.

This zone is designated for offices for business, professional, executive or administrative purposes, scientific or research laboratories, hotels, industrial and manufacturing uses and indoor commercial recreation. The intensity of operations shall not exceed the limitations imposed by the performance standards hereinafter set forth in this Section. Also permitted in this District are:

Modify retail sales and service prohibition in the I-2 primary intended use description.

19-5.2301 Primary Intended Use.

This zone is designed for offices for business, professional, executive or administrative purposes, scientific or research laboratories and industrial and manufacturing uses as well as anything permitted in the I-1 Zone, provided, however, retail sales and services are [only permitted as accessory uses to a permitted or conditional use as specified below] specifically prohibited. (Ord. #2-77, §19-5.2301)

Add Hotels as conditional uses standards for the I-2 Zone as follows:

19-5.2307(b) Hotels

a. Minimum lot size: 2 acres

b. Setbacks

1. Front Yard: 75 feet
   Allowable incursions into front yard setback
   i. Portico may extend 40 feet into front yard
ii. Canopy may extend 5 feet into front yard

2. Side Yard: 40 feet
3. Rear Yard: 75 feet

c. Locational Requirements:
   1. Must be within 2,640 feet (1/2 mile) from access to and from a federal highway. Measurements shall be made as the site is accessed and not “radially”.
   2. May not be located in “A”, “AE” FEMA Flood Zones as these are high risk flood areas.

d. Floor Area Ratio
   1. Notwithstanding the maximum floor area ratio, for each one-percent increase in landscaped pervious area over and above the 10% required, an increase in floor area ratio of .02 will be permitted up to a maximum floor area ratio of 0.55.
      a. For a landscaped area to be included in this calculation, it must be at least 5 feet in depth.
      b. To take advantage of this FAR bonus, no variance for the number of parking spaces or to exceed the impervious surface variance may be requested.

e. Maximum Height in Stories: 5
f. Maximum Height in Feet: 55
   1. Allowable extension of height
      i. HVAC and similar mechanical equipment and roof appurtenances.
         a. Only if all such appurtenances do not occupy more than 10 percent of the total roof surface; and
         b. Is less than 10 feet in height; and
         c. And is screened from visibility.
      ii. Parapet may extend 5 feet above maximum height.

g. Maximum Height of portico: 22 feet
h. Maximum Building Coverage: 0.20
   1. Any proposed portico or fixed canopy shall be included in the building coverage calculation.

i. Maximum Impervious Coverage (total): 0.85
j. Parking: Shall be provided in accordance with Section 19-5.8

k. Mixture of hotel use and any use below with the following regulations:
   1. Conference center Maximum of 50% the square footage of entire hotel use.
   2. Restaurant Maximum 7,500 Square Feet
   3. Retail or personal services shall be allowed provided that they must be entirely contained within the hotel building, have no direct access to the outside and shall not have exterior signs or other appurtenances.

l. Central Entrance Required
All hotel buildings shall contain a central entrance leading to a common lobby area, which lobby area shall contain the registration and service desk, which service desk shall be manned 24 hours a day and be so situated in said lobby area that guests entering or leaving the hotel may be clearly observed. Access to the sleeping rooms shall be only through hallways extending from the common lobby area. The door to each sleeping room shall open upon such hallways. No sleeping room on the first floor of the building shall contain exterior doors other than the door opening upon such hallways.

m. Landscaping: A minimum 10 percent of the lot must be landscaped; parking lots must include landscaping along any property line abutting adjoining uses.

n. Garbage collection:
   1. All garbage and other refuse storage shall be in compliance with Section 3-13A.
   2. No garbage or other refuse collection container shall be located closer than 10 feet from a property line.

o. Generator:
   1. If a generator is utilized, it must be located on the roof of the structure, or be adequately screened with either fencing, landscaping or both
   2. A generator shall not be located closer than 45 feet from a property line.

p. Signs: Signs shall comply with the provisions found in section 19-5.908

q. There shall be no overnight storage of any vehicles, trailers or commercial vehicles unless the operator is a registered guest of the hotel.

Modify Parking Requirements.

19-5.802 Off-Street Parking in Nonresidential Zones.

<p>| Hotel | 1/2 for each 10-guest rooms |
| Hotel | 1.2 parking spaces per room |
| Hotel | plus additional spaces for other facilities available to persons other than hotel guests as follows: [the parking required for the sum of all other uses on site including, but not limited to:] |
| Restaurant | As specified elsewhere in |</p>
<table>
<thead>
<tr>
<th>Type</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional/Conference Facilities</td>
<td>1 for each 150 sq. ft. GFA</td>
</tr>
<tr>
<td>Banquet/Ballroom Facilities</td>
<td>1 for each 100 sq. ft. GFA</td>
</tr>
</tbody>
</table>
TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

JUNE 25, 2013

The Meeting was called to order by President Fitzpatrick at 7:30 p.m. The Salute to the Flag was recited, followed by an Invocation given by Councilman Golinski. The Open Public Meetings Act Statement was read by Township Clerk Donna Costello. Mrs. Costello reminded all present that this is a non-smoking facility and requested that all cell phones be silenced at this time.

ROLL CALL: GABEL, KUSER, SMITH, LYDEN, GOLINSKI, SCOLLANS, FITZPATRICK

ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY Jansen

LIAISON REPORTS:
Councilman Scollans reported that he attended the Ladies Meeting at the Senior Center and questions were raised regarding low income housing. He said that they did not understand that low income housing is not necessarily just for Denville residents and he explained that to them.

Mr. Scollans commented on the beautiful job that has been done by Franz Fuertges and his committee with the planting of flowers at the Denville Cemetery. He added that the Beautification Committee lost one of its very dedicated members and, for himself a wonderful neighbor and friend, at the passing of Bob Riker. Mr. Scollans asked for a moment of silence for Mr. Riker.

Councilman Scollans noted that the Senior Social will be held on June 30th. He advised that he attended the Green Sustainability Committee meeting and Mark London has been appointed as the new Chairman.

Mr. Scollans reported that the Historical Society will not meet again until September. Councilman Golinski complimented Ruth Gimbel who is the Chairperson of Denville TV. He said that he has seen the first unedited footage of the parade and it is fantastic.

Mr. Golinski noted that the Denville TV Committee is meeting at 8:00 p.m. tomorrow night at Town Hall and would welcome volunteers to help put footage together. Councilman Golinski advised that he attended the Planning Board meeting and they went over the plans for re-paving the parking lot at Morris County School of Technology.

Councilwoman Lyden had no report.
Councilwoman Smith had no report.
Councilman Kuser reiterated that the Senior Social is this Sunday, June 30th. He had no other report.

Councilman Gabel reported that the Board of Education is still searching for a new Superintendent. He said that they are in full swing with the remodeling to accommodate the full-day Kindergarten.

Mr. Gabel noted that final preparations are under way for the July 4th fireworks celebration and he will let the Mayor give further details on that.
Mr. Gabel reported that the Mayor's Committee for People With Challenges hosted, with Eagle Scout Ryan Mulroney, a Performing Arts Show last Thursday at Morris Catholic High School. He said that it was part of Mr. Mulroney's Eagle Scout project and it was well received by all who attended. Councilman Gabel stated that he and his daughter walked through the night last week in the American Cancer Society's Relay for Life Walk. He said that it started on Saturday at 4:00 p.m. and finished at 6:00 a.m. the next morning. Mr. Gabel reported that the event raised $45,000 for cancer research. President Fitzpatrick reported that the Mayor's Advisory Committee on Flooding of Rivers and Streams will be meeting on July 17th and all are welcome to attend. He said that, unfortunately the current co-chairmen of this committee can no longer continue in that capacity and the Committee will be looking for a new chairperson. Mr. Fitzpatrick noted that the Fireman's Carnival starts tonight and will run through Saturday, with fireworks tomorrow night. President Fitzpatrick recognized former Mayors Spencer and Hussa who are present this evening.

MAYOR'S REPORT:
Mayor Andes commented that the show that the People With Challenges Committee was involved with was a musical show that was put on for children with disabilities. He said that they are children of high school age who are integrating with society. Mayor Andes advised that he received a thank you e-mail from one of the moms who told him that, on her way home from the show with her son, her son sang for the first time ever and he is nineteen years old. The Mayor said that it was a very touching e-mail. Mayor Andes reported that Morris Plains held their "Patriotic Day" on the first day of their Farmer's Market and all were dressed in patriotic garb. He said that all of the proceeds from the event went to the Denville Animal Shelter, so our shared animal control services came back to help us. The Mayor noted that the Sunrise Rotary held their Duck Race on Saturday and about 400 competitive ducks were in the water. He said that a good time was had by all. Mayor Andes commented that the firemen are looking for volunteers to help sell 50/50 tickets at the Carnival.

The Mayor reported that Thursday night the Chamber of Commerce is hosting a "Girls Night Out" on Broadway. He noted that next week the Joey Bella Fund will hold their Tricky Tray and Barbecue on the 2nd and 3rd and the expanded fireworks will be held on July 4th. Mayor Andes advised that the band "Function" will be playing before the fireworks and the Morris County Community Band will play during the fireworks.

ADMINISTRATOR'S REPORT:
Administrator Ward reported that demolitions have commenced on Riverside Drive. He said that there was a small ceremony last Monday to mark the occasion. Mr. Ward noted that, as of today, 33 Riverside Dr. and 27 Riverside Dr. have been demolished,
the ground has been leveled and stabilization grass seed has been spread on the site. He said that the contractor anticipates that by mid to late July he will have completed the demolition of the first eight (8) properties that we have taken ownership of. Mr. Ward advised that there is a closing tentatively scheduled for July 1st for 24 Riverside Dr., which will give us five (5) consecutive properties along the riverfront. He added that he received word yesterday from one of the seller's attorneys that the lending institution has given verbal acceptance of the short sale offer. Mr. Ward noted that, as of right now, it seems that we are on track to close on at least ten (10) of the eleven (11) properties that we are seeking to acquire.

Administrator Ward advised that we have also received some preliminary draft plans from the Rutgers Cooperative Extension on the restoration and park that they are going to propose. He said that they also suggested different kinds of plants to be used in the restoration of the riparian buffer.

The Administrator reported that the contractor is moving along very nicely on the Valley View Firehouse project. He said that a construction meeting was held this morning and pilings and trusses will be installed next week. Mr. Ward noted that the contractor is still projecting substantial completion by late August, or early September. He said that the goal is to be able to hold the Firemen's inspection there on September 28th. Mr. Ward advised that there are two change orders coming on the project. He said that one of them is a $20,000 reduction in the price which is related to a redundant item in the contract specifications. Mr. Ward noted that the other change order is related to the unsuitable soil that had to be replaced at a cost of $15,000, so the project, at this point, is under budget by about $5,000.

Administrator Ward stated that his final item is to congratulate two of our DPW staff members, John Egbert and Tom Andes, who both passed the CPWM course and are now both Certified Public Works Managers. Mr. Ward noted that it is a multi-year intensive course schedule and has a certification exam with a State-wide pass rate which is typically low, often 50%. He said congratulations to both of them and a special thanks to John Ruschke, who served as our licensed Public Works Manager until our staff members acquired that certification.

President Fitzpatrick spoke about the demolition ceremony and commented on how fortunate it was that the residents were taken out safely during the flooding and now they will not have to face that kind of tragedy again. Councilman Kuser interjected that we should give a large vote of thanks to the County for their financial help in making all of this happen.

OPEN PUBLIC PORTION:
Gerry Idec, 1 E. Longview Trail, asked what is meant by "no passing zone" in R-13-141. President Fitzpatrick replied that it is a recommendation from the State Dept. of Transportation. He said that the DOT is requiring this resolution from the Township, in support of this zone on Route 46. Mr. Idec asked what they mean by "no-passing zone".
Councilman Golinski interjected that he believes it refers to the section west of Route 80 where there is a double yellow line. Mr. Golinski said that when there is a double yellow line on a highway, there is no passing.

Administrator Ward explained that the State wants a resolution from the Township expressing support for keeping the stretch from the Rockaway border to the Route 80 overpass, where there is only one lane in each direction, a no-passing zone.

Mr. Idec then stated that there is a person in his neighborhood who speeds and he wants to know how to handle that.

President Fitzpatrick suggested that Mr. Idec contact the traffic officer in the Police Department.


Administrator Ward replied that it was adopted on June 11th.

Mr. Hussa gave an impassioned argument opposing the removal of the piers from the Rockaway River. He cited their historical value and the many approvals and permits from the State that would be required in order to remove them. Mr. Hussa asked if studies have been done and if the removal of the piers is in the Master Plan.

President Fitzpatrick replied that he will defer to Administration as far as the Master Plan goes. Mr. Hussa amended his statement saying that he meant to say the "historic element" of the Master Plan.

Mr. Fitzpatrick said that, with regard to studies, this was a recommendation in the flood mitigation study that was done by our Township Engineer last year.

Administrator Ward explained that the Township is aware of the need for permits and has met with the DEP and a representative from their historic resources division, who basically laid out exactly what permits and approvals are required in order for the DEP to grant permission. He noted that it was referenced in Phase I of the mitigation study and Phase II will include a hydrology study which will have the measurements as to the impact with and without the piers.

Mr. Hussa asked when the Township is planning to remove the piers.

Mr. Ward replied that we are in the very preliminary stage of the process and there are still permits and permissions to be obtained as well as additional information that DEP is requesting from us before we get to the actual point of removing them.

Councilman Kuser asked Mr. Hussa if he thinks he could get the Canal Society and the Historical Society to maintain and clean the piers on a regular basis.

Mr. Hussa replied that they are all volunteers and he doesn’t know if that could happen but he will ask.

Councilman Gabel noted that, after he and a team of fourteen volunteers completely cleaned those piers, only three weeks later, while canoeing in the river with his son, the piers were completely surrounded by debris. He said that something definitely must be done with the piers.

Councilman Scollans advised that during the cleanup last year a crane had to be used to remove trees and debris from the piers.

Mr. Hussa applauded the work of those who were involved with the cleanup but said
that the removal of the piers will not go well with the people of Denville. President Fitzpatrick stated that we have to trust our professionals to give us the right advice.

Jeanette Botti, 73 Mt. Pleasant Tpke., asked for clarification of R-13-142 regarding a settlement between the Township and the Shogum Lake Property Owners. Administrator Ward gave the details leading up to the settlement and noted that the Township will have to be notified in advance if Shogum Lake plans to open their flood gates before a major storm. He said that will give Denville an opportunity to object if they find Shogum Lake’s reason for opening them unacceptable.

Brian Walsh, 380 Franklin Road, asked for the location of the property referred to in R-13-147, as being in need of rehabilitation. President Fitzpatrick replied that it is on Estling Lake Road near the train station. He said that it is an old abandoned factory and the Council has discussed an ordinance which would designate the site for rehabilitation. President Fitzpatrick noted that it is a great opportunity for the Township because, by ordinance, the Council can specify what will be permitted to go there. Administrator Ward added that the property met certain qualifications, such as unpaid taxes. He said that the next step will be a change of the zoning to allow this abandoned factory that is in foreclosure to become residential luxury apartments.

Mr. Walsh asked about the houses on Riverside Dr. that the Township bought. He said that they are all on the opposite side of the street from the river. Mr. Ward replied that five are on the river side and six are on the opposite side but they are contiguous to one another. President Fitzpatrick added that all of the homes have been labeled as “severe repetitive loss” homes. He said that FEMA declared that these homes have sustained such loss that they were the only ones that were eligible.

John Walker, 44 Riverside Drive, stated that he was a part of the cleanup group and he does not believe that Denville will be remembered for three piers, two miles downstream. He said that what we do know is that debris backs up on these piers in the middle of the river and they need to be removed. Mr. Walker asked the Council to please take out the piers in order to reduce the flooding as much as possible.

John Cahillane, 15 Freeman Ave., thanked the Council, Clerk, Mayor, Administrator as well as the two former Mayors who were present for their service to Denville. He stated unequivocally that he has loved his twenty years here in Denville. Mr. Cahillane said that he hopes they will greet the new owners of his restaurant as warmly as he was greeted when he came to Denville. He said that he also helped during the floods and it was truly a disaster for those homeowners.

President Fitzpatrick thanked Mr. Cahillane for all of his help and asked him to introduce the new owners of the Rattlesnake Ranch.

Mr. Cahillane introduced Todd Simonds, Edgar Yones and Peter Patel. Each gentleman gave a thumbnail sketch of their experience and noted that they are very happy to be coming to Denville.

John Heubner, 100 Morris Ave., said that, if people care enough about the piers to keep
them clean, it would solve the problem. He noted that, once they are gone, they are gone forever.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: All copied to Council.

MATTERS OF OLD AND/OR NEW BUSINESS:
President Fitzpatrick advised that there will be a discussion regarding the Housing Rehabilitation Program. He asked Mr. Ward to go through some of the options that are available to residents for housing rehabilitation.

Administrator Ward read from a memo drafted by Kathy Bowditch explaining the Program. A copy of that memo is attached to these minutes. Mr. Ward noted that a brochure has been provided to the Council and is available to the public this evening. A copy of that brochure is also attached to these minutes.

Mr. Ward cited two specific rehabilitation projects that were recently completed in Denville and advised of the amounts provided by the Township from the Affordable Housing Trust Fund.

President Fitzpatrick thanked Mr. Ward for his comprehensive explanation of the Program and thanked Kathy Bowditch for attending this evening. He noted that Construction Official Sal Poli has also arrived and is available for questions. Mr. Fitzpatrick then opened the floor for questions from the Council.

Councilwoman Smith asked Ms. Bowditch to describe the condition of the homes that necessitated rehabilitation.

Ms. Bowditch described the deplorable conditions that existed in the home that was rehabilitated at a cost of $70,000 ($20,000 from the County and $50,000 from Denville). She explained that the home was not increased in size, that is not permitted under this program, but things were brought up to code in order to make the home livable and comfortable for the four (4) residents. Ms. Bowditch added that the residents who benefitted from the project were extremely thankful for the help.

Mrs. Smith commented that the people had nowhere to go and were living in substandard conditions. She said that it is a good program and the goal is to bring these homes up to a reasonable standard of living which allows them to stay in their own homes.

Councilman Gabel asked if people learn about this program through Social Services or the Health or Construction Departments.

Ms. Bowditch explained that our Social Services Director as well as the sub-code inspectors and Construction Official all are aware of this program. She said that, if they run into this kind of condition in a home, they can speak to the resident and provide them with information about the program and give them a brochure explaining it. Ms. Bowditch noted that the biggest hurdle they face is that people are reluctant to allow people from the County to come in and inspect their home. She added that the
program has been well publicized. Councilman Kuser stated that it is a great program but it is unfortunate that it doesn't cover other things. He spoke of a constituent whose front porch is disintegrating. He said that he doesn't know if that would fall under this program but it is unfortunate because they don't have the money to fix it and it is an unsafe situation. Mr. Kuser thanked Kathy Bowditch for coming in and explaining the program so clearly. Ms. Bowditch replied that Mr. Kuser should have that resident contact the County because this type of situation may be something that would qualify as a major repair. Councilwoman Lyden said that it is a great program and she has constituents as well who may benefit from it. She commented that she will look into it with them. Councilman Golinski said that he has a few questions about the numbers. He noted that the County contributes 1/10 of the available funding of $200,000 to each project so it is important to get the word out quickly in order for our residents to apply. Mr. Golinski asked if people should apply early in the year. Ms. Bowditch replied that she believes that the County is made aware of the amount that they will receive in March or April but she can get a definite answer on that. Mr. Golinski asked about the origin of the money that goes into the Affordable Housing Trust Fund. Administrator Ward replied that it comes from developer's fees. He said that if anyone makes an improvement or builds a new home, a percentage of the assessed value is contributed to this fund that is dedicated to the development of affordable housing in the Township of Denville. Mr. Golinski commented that the rehabilitation money does not come from the general tax base. Mr. Ware replied that it does not. Attorney Jansen interjected that the important thing to keep in mind is that we have to spend that money. He said that if we don't spend it, the State will take it to help balance the State budget.

Mr. Golinski asked if it happened that we encouraged our residents to use the program and the County funds were depleted, could we use those funds, under the same qualifying criteria to rehabilitate homes in Denville. Mr. Bowditch replied that her understanding, having never run into that situation, is that somehow we would have to have someone qualify the applicants. She said that, since the applications go to the County, we could ask them to do it, should they inform the applicants that there is no money available. Ms. Bowditch stated that we could then provide the funds and it would just be a matter of having someone o.k. the qualifications. She added that the person qualifying the applications has to be trained in what to look for, besides gross income, so asking the County in that scenario could work.

Councilman Scollans asked if the housing rehabilitation program ties into the Estling Lake property. Administrator Ward replied that it is a completely different situation. Attorney Jansen commented that they both use the word rehabilitation but they are totally unrelated. Mr. Scollans said that he thinks it's a great program and obviously anything that we can
do to help our residents is a wonderful thing.

President Fitzpatrick asked to be given materials about this program to give to residents. Ms. Bowditch replied that the brochure provides all the information on qualifications and gives contact numbers. She said that they must then request the application from Morris County Community Development.

Mr. Fitzpatrick asked if the Construction Department has the information to distribute as well as the Social Services Department. He asked for copies of the brochure for the Council and suggested that it go on the web site as well.

President Fitzpatrick asked if, once the resident obtains an application, are they then on their own to complete it. Ms. Bowditch replied that the County is available to assist them. She said that they do leave it to the resident to get the three (3) estimates that are required and to make any necessary phone calls. Ms. Bowditch advised that the County can provide a list of contractors who would be willing to give estimates.

Mr. Fitzpatrick suggested, since government forms are not always easy to fill out, that perhaps we could ask our Social Services Department to lend a hand in filling out the applications. Ms. Bowditch said that she is sure they get help because she has never had a complaint about filling out the forms. She said that the biggest complaint is having someone come into their house.

Councilman Scollans suggested that it would be helpful if this kind of information was given to the Council at least three or four days before the meeting in order for them to read it and understand what it is all about.

Administrator Ward interjected that a memo with all of this information was distributed to the Council last week.

Councilwoman Smith suggested that the resolution be brought up for a vote at this time and thanked Ms. Bowditch for the work she has done. She said that Kathy could then leave knowing we approved the resolution and be free for the remainder of the evening. President Fitzpatrick replied that he has no problem with doing that.

R-13-153 RESOLUTION AUTHORIZING FUNDS COMMITTED FOR REHABILITATION COSTS FOR CALENDAR YEAR 2012 AND 2013 FROM THE AFFORDABLE HOUSING TRUST FUND TO THE DENVILLE REHABILITATION TRUST FUND

MOTION TO APPROVE R-13-153: MOVED BY MEMBER SMITH, SECONDED BY MEMBER KUSER
AYES: SMITH, KUSER, GABEL, LYDEN, GOLINSKI, SCOLLANS, FITZPATRICK

President Fitzpatrick thanked Ms. Bowditch for her presence and for the concise information. He also thanked Mrs. Smith for her suggestion to expedite consideration of R-13-153.

ORDINANCE(S) FOR ADOPTION:
#13-13 CAPITAL ORDINANCE FOR VARIOUS IMPROVEMENTS OR
PURPOSES IN THE SUM OF $179,525
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE
SUM OF $179,525 FROM THE GENERAL CAPITAL IMPROVEMENT FUND OF THE
TOWNSHIP OF DENVILLE
BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER SMITH, SECONDED BY
MEMBER GOLINSKI
AYES: SMITH, GOLINSKI, GABEL, KUSER, LYDEN, SCOLLANS, FITZPATRICK
President Fitzpatrick asked Administrator Ward for a brief synopsis of this ordinance,
for the benefit of the public.
Administrator Ward advised that the items included in the ordinance were discussed
during the capital section of the 2013 budget. He said that the items are being fully
funded and there are no notes or bonds being issued for the acquisition of items listed
in the ordinance. Mr. Ward then listed the items that are included in the ordinance.

OPEN PUBLIC HEARING: No one wished to be heard.
CLOSE PUBLIC HEARING.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS OR PURPOSES IN THE
SUM OF $179,525 FROM THE GENERAL CAPITAL IMPROVEMENT FUND OF THE
TOWNSHIP OF DENVILLE
BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE
PUBLISHED IN THE JULY 3, 2013 ISSUE OF THE CITIZEN.
MOTION TO ADOPT: MOVED BY MEMBER SMITH, SECONDED BY MEMBER
LYDEN
AYES: SMITH, LYDEN, GABEL, KUSER, GOLINSKI, SCOLLANS, FITZPATRICK

#14-13 ADOPT PROPERTY MAINTENANCE CODE
President Fitzpatrick read a portion of the preamble to this ordinance which can be
found in the first paragraph of the ordinance.
BE IT RESOLVED THAT AN ORDINANCE ENTITLED:
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE
OF NEW JERSEY TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE
CODE
BE READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER SCOLLANS, SECONDED BY
MEMBER KUSER
AYES: SCOLLANS, KUSER, GABEL, LYDEN, GOLINSKI, FITZPATRICK
ABSTAIN: SMITH
OPEN PUBLIC HEARING:
Township Council
6-25-13
Page 10

The following residents spoke in strong opposition to the Property Maintenance Ordinance. They urged the Council to vote NO on the ordinance and draft a new one that would more clearly address the issues in Denville, rather than adopting an International code.

Patricia Santoro, 5 Kennedy Dr.
John Hubner, 100 Florence Ave.
Carol Spencer, 86 Woodstone Rd.
Carol Daily, 37 Smith Rd.
Ted Hussa, 20 Hewettson Rd.
Ray Baxter, 381 Franklin Rd.
Gerry Idec, 1 E. Longview Trail
Jeanette Botti, 73 Mt. Pleasant Tpke.

Brian Walsh, 380 Franklin Rd., was of the opinion that the ordinance would not really help.
Bob Beiz, 7 Memory Lane, spoke in support of the Property Maintenance Ordinance.

Attorney Jansen, during the Public Hearing, explained the circumstances under which the Code Official has the right to enter a home (i.e. with the property owner’s consent or after securing a warrant). He also noted that the violations that are addressed are the one that are called to the attention of the enforcing official.
Mr. Jansen added that the Township doesn’t have the resources to send someone out to inspect every house in Denville. He said that certainly is not the intent of the Governing Body, as he understands it. Attorney Jansen further explained that there are many issues that are not addressed in the current Code and this ordinance gives the Construction Official an additional tool to address them.

CLOSE PUBLIC HEARING.

President Fitzpatrick advised that the matter will now be open for discussion among the Council.
President Fitzpatrick asked Construction Official Poli to speak about the Property Maintenance Codes in our immediate neighboring communities, in terms of more or less detail versus this code.
Mr. Poli replied that most of the surrounding property maintenance codes were modeled after the IPMC code. He added that most changes were in definitions of terms and titles.
Mr. Poli, in response to a question from President Fitzpatrick, went through the process involved in gaining access to a home, if the owner does not grant permission. The appeal process was also discussed. Administrator Ward interjected that Social Services also gets involved when there is a hardship case and has contacts with many agencies to assist in these cases.
President Fitzpatrick asked Attorney Jansen about what can be enforced.
Attorney Jansen replied that in all law enforcement there is the exercise of discretion. He said that the first step is the notice of violation. There is then an opportunity to appeal. If there is no effort to comply, a summons would be issued.

Mr. Jansen noted that the penalties, although they may seem severe, are the penalties for a disorderly person offense, and every ordinance violation in Denville carries those penalties. He added that it does not mean that the Judge is going to impose 90 days in jail for any given offense.

There was additional discussion regarding the imposition of penalties, the types of offenses and the discretion of the Judge in imposing them.

Mayor Andes spoke about his opposition to any property maintenance code until about four years ago. He said that it is his intention, as well as that of Administration, to watch this ordinance very closely and make changes accordingly.

Mr. Poli noted that this ordinance will help him to address issues that he was previously unable to address and will make the quality of life better for the residents.

Councilman Kuser asked if the ICC Code is what we currently follow in the Construction Department. Mr. Poli replied that we use the Uniform Construction Code which is the State law that implements the ICC code, the New Jersey version of it, by reference. He said that all of the sections on building, residential, plumbing, electric and so on are adopted.

Mr. Kuser asked about grandfathering in this code. Mr. Poli replied that under the Uniform Construction Code, Chapter VI is the rehabilitation code, which grants some relief to pre-existing conditions.

There was a brief discussion concerning work being done without proper permits. President Fitzpatrick went through his list of questions asked by the public and answered them succinctly. He said that he is going to set up a new sub-committee, made up of different members than those that served on the two previous sub-committees on this ordinance, and we will review this again in three months.

Attorney Jansen suggested that President Fitzpatrick get a motion to adopt on the floor and he can then have further discussion from the Council before roll call.

BE IT RESOLVED THAT AN ORDINANCE ENTITLED: AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE BE PASSED ON FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE JULY 3, 2013 ISSUE OF THE CITIZEN.

MOTION TO ADOPT: MOVED BY MEMBER GABEL, SECONDED BY MEMBER KUSER

DISCUSSION: Councilman Kuser commented that the abandoned buildings in Denville may not have gotten to that state if there had been a property maintenance code in place. He said that this is part of the intent of this ordinance. Mr. Kuser spoke extensively about specific properties that have not had any action taken because there
was no ordinance in place that would provide the Township officials with the tools to do anything. Mr. Kuser urged the Council to pass this ordinance. Councilman Gabel said that he has done a great amount of research on this. He said that he has spoken to his constituents and listened to what they had to say to determine what impact this will have on our town. Mr. Gabel advised that he has come to the conclusion that, although this ordinance is not perfect, it is the best step forward for Denville to provide the proper officials the tools they need to appropriately and respectfully address the properties in our town that need attention. He said that, through vigilant monitoring he knows that the intent of the ordinance will be upheld and not abused.

Councilman Gabel stated that he will support the ordinance. Councilman Scollans, noted his experience as a home inspector and explained what a building inspection entails. He said that no building inspector can require a homeowner to meet present day codes. Mr. Scollans stated that he supports this ordinance. Councilwoman Lyden, said that she listened to both sides very carefully and feels that, in the overall scheme of things, this ordinance will be a positive step in protecting the health and safety of all the citizens of Denville. She said that she will support the ordinance.

Councilman Golinski, thanked the public for spending the time in researching this issue and trying to get the problems in their community solved. There was a discussion between Mr. Golinski and Mr. Poli regarding ceiling heights and the fact that one code allows a certain height when the other does not. Attorney Jansen explained that State statutes and regulations supersede local ordinances. Mr. Golinski asked if the Township could create an ordinance that specifically targeted bank-owned properties in severe disrepair and force them into compliance. Attorney Jansen replied that that could not be done. Mr. Golinski asked if single family, owner-occupied homes could be exempt from certain chapters and sections of this ordinance, which would basically keep us out of the interior of owner-occupied homes. Attorney Jansen replied that, if the Council wants to do that, they would have to start over. He said that they cannot make those amendments tonight and go forward. Mr. Jansen advised that they would have to re-introduce the ordinance and re-advertise because those are substantive changes. President Fitzpatrick asked if the ordinance could be amended at a later date. Attorney Jansen responded in the affirmative. Councilman Golinski stated that he is not comfortable supporting an ordinance that he has concerns about. He said he would like to keep working on it.

President Fitzpatrick commented that it is very easy to take a position on something and, because of pride, refuse to change it. He said that he has learned, since being on the Council, that he cannot do that. Mr. Fitzpatrick said that he is a Republican and does not want an overbearing government. He noted that, since he has been on the Council and is out talking to people, he realizes that there is a difference between government and community. Mr. Fitzpatrick commented that this ordinance is about a community, not a Federal Government trying to impose on our Constitutional rights.
He said that this is a community that is asking for something. President Fitzpatrick noted that he has completely changed his thinking and is glad that he did. He said that he feels that he is obligated to do what he thinks is the right thing for our town. Mr. Fitzpatrick was passionate in his comments about Denville and how important this ordinance is to improve the quality of life for all residents and assured the public that income from this ordinance was never mentioned in the two and one-half years that this ordinance has been in the making. President Fitzpatrick stated unequivocally that he will support this ordinance because he believes in it.

Councilwoman Smith gave her view of the ordinance and said that she does not believe in passing an ordinance that can't be enforced, just for the sake of having an ordinance. She said that she is against any property maintenance ordinance and was on the sub-committee reviewing this one. Mrs. Smith noted that the answer to "why should we do this" is that there are situations in town that cannot be fixed. She said that she agrees with the public that there are things in this ordinance that have to be fixed. Mrs. Smith read the preamble to the ordinance. Mrs. Smith stated that she does not like this ordinance and will keep on top of the assurance that there will be another sub-committee to look at it. She said that she would appreciate receiving e-mails from anyone who wants to point out specific items in the ordinance that they feel should be changed. Mrs. Smith advised that she definitely has the strength to say NO, but she feels it would be the wrong thing to do in this situation and she will support the ordinance.

ROLL CALL ON ADOPTION:
AYES: GABEL, KUSER, SMITH, LYDEN, SCOLLANS, FITZPATRICK,
NAY: GOLINSKI

ORDINANCE(S) FOR INTRODUCTION:
#16-13 AUTHORIZE VARIOUS CAPITAL IMPROVEMENTS
BE IT RESOLVED THAT AN ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES IN THE SUM OF $120,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE
BE INTRODUCED AND READ BY TITLE ON FIRST READING:
MOTION TO INTRODUCE: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER GABEL
DISCUSSION: None.
AYES: GOLINSKI, GABEL, KUSER, SMITH, LYDEN, SCOLLANS, FITZPATRICK

BE IT RESOLVED THAT AN ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES IN THE SUM OF $120,000 FROM THE SEWER CAPITAL IMPROVEMENT FUND OF THE TOWNSHIP OF DENVILLE
BE PASSED ON FIRST READING
BE IT FURTHER RESOLVED THAT SAID ORDINANCE SHALL BE CONSIDERED FOR FINAL PASSAGE AT THE MEETING OF THE MUNICIPAL COUNCIL OF THE
TOWNSHIP OF DENVILLE ON 7-16-13 AT 7:30 P.M. IN THE EVENING, PREVAILING TIME, AT THE MUNICIPAL BUILDING IN SAID TOWNSHIP OF DENVILLE AT WHICH TIME AND PLACE ALL PERSONS INTERESTED SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAID ORDINANCE. BE IT FURTHER RESOLVED THAT THE MUNICIPAL CLERK BE AUTHORIZED AND DIRECTED TO ADVERTISE THIS ORDINANCE IN THE CITIZEN ACCORDING TO LAW. MOTION TO PASS ON FIRST READING: MOVED BY MEMBER SMITH, SECONDED BY MEMBER GABEL
AYES: SMITH, GABEL, KUSER, LYDEN, GOLINSKI, SCOLLANS, FITZPATRICK

Councilwoman Smith requested that R-13-133 be removed from the Consent Agenda and voted on separately. President Fitzpatrick agreed to remove it. He asked if anyone else from the public or the Council would like to have anything else removed from the Consent Agenda. No one responded.

CONSENT AGENDA RESOLUTIONS:

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<th>Resolution</th>
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<td>R-13-134</td>
<td>RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC LIQUOR LICENSE</td>
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<td>R-13-135</td>
<td>RESOLUTION AUTHORIZING REINSTATMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE</td>
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<tr>
<td>R-13-137</td>
<td>RESOLUTION AUTHORIZING REFUND OF RECREATION DEPARTMENT FEES</td>
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<td>R-13-138</td>
<td>RESOLUTION TO CANCEL SEWER AND WATER CHARGES ASSESSED AND LEVIED AGAINST CERTAIN PROPERTIES</td>
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<td>R-13-139</td>
<td>RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A.40A:4-87</td>
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<tr>
<td>R-13-140</td>
<td>RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FOR IMPAIRED DRIVING ENFORCEMENT PURSUANT TO THE N.J. DIVISION OF HIGHWAY TRAFFIC SAFETY DRIVE SOBER OR GET PULLED OVER 2013 STATEWIDE CRACKDOWN GRANT FROM 8-16-13 THROUGH 9-2-13</td>
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<tr>
<td>R-13-141</td>
<td>RESOLUTION IN SUPPORT OF THE USE OF A NO PASSING ZONE ON ROUTE 46</td>
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<td>R-13-142</td>
<td>RESOLUTION OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT IN THE MATTER ENTITLED TOWNSHIP OF DENVILLE v. SHONGUM LAKE PROPERTY OWNERS’ ASSOCIATION, BEARING DOCKET NUMBER MRS-L-2682-12</td>
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</table>

MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER SMITH,
SECOND BY MEMBER LYDEN
AYES: SMITH, LYDEN, GABEL, KUSER, GOLINSKI except R-13-134, SCOLLANS, FITZPATRICK
ABSTAIN: GOLINSKI on R-13-134

NON-CONSENT RESOLUTIONS:
R-13-133 RESOLUTION AUTHORIZING PERSON TO PERSON TRANSFER OF RATTLESNAKE RANCH CAFÉ PLENARY RETAIL CONSUMPTION ALCOHOLIC BEVERAGE LICENSE #1408-33-008-010
MOTION TO APPROVE R-13-133: MOVED BY MEMBER SMITH, SECOND BY MEMBER KUSER
AYES: SMITH, KUSER, GABEL, LYDEN, GOLINSKI, FITZPATRICK
RECUSE: SCOLLANS

R-13-144 RESOLUTION AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE LICENSES IN THE TOWNSHIP OF DENVILLE FOR 2013-2014
MOTION TO APPROVE R-13-144: MOVED BY MEMBER SMITH, SECOND BY MEMBER KUSER
AYES: SMITH, KUSER, GABEL, FITZPATRICK
ABSTAIN: LYDEN, GOLINSKI, SCOLLANS

R-13-145 RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGEMENT BY THE TAX COURT OF NEW JERSEY
MOTION TO APPROVE R-13-145: MOVED BY MEMBER SCOLLANS, SECOND BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, GABEL, KUSER, SMITH, GOLINSKI, FITZPATRICK

R-13-146 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE
MOTION TO APPROVE R-13-146: MOVED BY MEMBER KUSER, SECOND BY MEMBER LYDEN
AYES: KUSER, LYDEN, GABEL, SMITH, GOLINSKI, SCOLLANS, FITZPATRICK

R-13-147 RESOLUTION REQUESTING PLANNING BOARD REVIEW OF A RESOLUTION DESIGNATING CERTAIN PROPERTY IN THE TOWNSHIP AS AN AREA IN NEED OF REHABILITATION
MOTION TO APPROVE R-13-147: MOVED BY MEMBER GABEL, SECOND BY MEMBER KUSER

AYES: GABEL, KUSER, SMITH, LYDEN, GOLINSKI, FITZPATRICK
NAY: SCOLLANS
R-13-149 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE
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AYES: GABEL, KUSER, SMITH, LYDEN, GOLINSKI, FITZPATRICK  
NAY: SCOLLANS  

R-13-149 RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87  

MOTION TO APPROVE R-13-149: MOVED BY MEMBER LYDEN, SECONDED BY MEMBER GABEL  
AYES: LYDEN, GABEL, KUSER, SMITH, GOLINSKI, SCOLLANS, FITZPATRICK  

R-13-150 RESOLUTION AMENDING EI ASSOCIATES CONTRACT AND AUTHORIZING CHANGE ORDER #1  

MOTION TO APPROVE R-13-150: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER KUSER  
AYES: SCOLLANS, KUSER, GABEL, SMITH, LYDEN, GOLINSKI, FITZPATRICK  

R-13-151 RESOLUTION AUTHORIZING AGREEMENT WITH PETER AND PAULA DIDATO FOR SEWER LATERAL CONNECTION TO SEWER SYSTEM  

MOTION TO APPROVE R-13-151: MOVED BY MEMBER GABEL, SECONDED BY MEMBER SMITH  
AYES: GABEL, SMITH, KUSER, LYDEN, GOLINSKI, SCOLLANS, FITZPATRICK  

R-13-152 RESOLUTION AUTHORIZING AGREEMENT FOR ENVIRONMENTAL RESOURCE INVENTORY SERVICES  

MOTION TO APPROVE R-13-152: MOVED BY MEMBER SMITH, SECONDED BY MEMBER SCOLLANS  
AYES: SMITH, SCOLLANS, GABEL, KUSER, LYDEN, GOLINSKI, FITZPATRICK  

MOTION TO APPROVE MINUTES OF 6-11-13: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER KUSER  
AYES: GOLINSKI, KUSER, GABEL, SCOLLANS, FITZPATRICK  
ABSTAIN: SMITH, LYDEN  

MOTION TO ADJOURN: MOVED BY MEMBER GOLINSKI, SECONDED BY MEMBER SMITH  
AYES: UNANIMOUS  

MEETING ADJOURNED AT 10:49 P.M.  

Respectfully submitted by:  

[Signature]  
Kathleen A. Costello  
Deputy Township Clerk