TOWNSHIP OF DENVILLE  MUNICIPAL COUNCIL  REGULAR MEETING
7:30 P.M.  DATE SEPTEMBER 3, 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  MEETING OPENED:
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

 Council Liaison/Committee Reports
Mayor's Report
Administrator's Report
ORDINANCE(S) FOR ADOPTION

THE PUBLIC HEARING ON ORDINANCE #17-13 WAS OPENED AT THE 8-13-13 MUNICIPAL COUNCIL MEETING. THE PUBLIC HEARING WAS CONTINUED TO THE SEPTEMBER 3, 2013 MEETING.

CONTINUE PUBLIC HEARING ON ORDINANCE #17-13

RESOLUTION AUTHORIZING PASSAGE ON FINAL READING OF ORDINANCE #17-13 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

ORDINANCE(S) FOR INTRODUCTION

NONE SCHEDULED

ITEMS FOR DISCUSSION AND/OR ACTION

NONE SCHEDULED
R-13-185# RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE - $480.70

R-13-186# RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID FOR CALENDAR YEAR 2013 IN THE AMOUNT OF $1,845.73

R-13-187# RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDS FOR CLICK IT OR TICKET 2013 HIGHWAY SAFETY GRANT IN THE AMOUNT OF $4,000

R-13-188# RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE

R-13-189# RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE

NON-CONSENT RESOLUTIONS:

R-13-190 RESOLUTION REFUNDING THE PAYMENT OF OVERPAID TAXES FOR 2013 TOTALING $5,347.13

R-13-191 RESOLUTION AUTHORIZING SETTLEMENT OF CERTAIN TAX APPEALS

R-13-192 RESOLUTION AUTHORIZING THE REFUND OF MONEY DUE TO THE REDEMPTION OF A TAX SALE CERTIFICATE - $17,047.23

R-13-193 RESOLUTION AUTHORIZING AN APPROPRIATION IN AN AMOUNT NOT TO EXCEED $50,000.00 FROM THE TOWNSHIP OF DENVILLE AFFORDABLE HOUSING TRUST FUND FOR UPGRADING AND REHABILITATION OF THE EMERGENCY LIGHTING SYSTEM AT COOK'S POND SENIOR HOUSING, 455 DIAMOND SPRING ROAD, DENVILLE, NJ
R-13-194  RESOLUTION AUTHORIZING APPLICATION FOR FUNDS FOR DRUNK DRIVING ENFORCEMENT PROGRAM GRANT PURSUANT TO N.J.S.A. 39:4-50.8/N.J.A.C. 13:86

MINUTES FOR ADOPTION:  8-13-13

MOTION TO ADJOURN
RESOLUTION

WHEREAS, the Municipal Council of the Township of Denville has introduced Ordinance #17-13 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"; and

WHEREAS, pursuant to N.J.S.A. 40:55D-26, the aforesaid ordinance was forwarded to the Planning Board for a report and recommendation; and

WHEREAS, the Planning Board considered the proposed ordinance amendment on July 24, 2013 and, after providing an opportunity for public input on this proposed rezoning and after receiving comments from the public, the Planning Board found that the Ordinance effectuates the goals and objectives of the Master Plan but requested that the Council consider several items, including sidewalk and pathway access, emergency access, alternative energy systems, parking setbacks and a prohibition on electric signs; and

WHEREAS, Ordinance #17-13 proposes to rezone Block 30601, Lot 6 from an industrial use classification to permit residential development in accordance with the Estling Lake Rehabilitation Plan and hence is inconsistent with the Land Use Plan Element of the Master Plan; and

WHEREAS, N.J.S.A. 40:55D-62 provides in pertinent part that, "the governing body may adopt a zoning ordinance or amendment or revision thereto which in whole or part is inconsistent with or not designed to effectuate the land use plan element and the housing plan element, but only by affirmative vote of a majority of the full authorized membership of the governing body, with the reasons of the governing body for so acting set forth in a resolution and recorded in its minutes when adopting such a zoning ordinance;" and
WHEREAS, the Municipal Council is convinced that Ordinance #17-13 furthers the purposes of the Municipal Land Use Law by:

a. promoting the public health, safety and general welfare;

b. providing adequate light, air, and open space;

c. preserving the environment;

d. preserving the character and quality of established neighborhoods;

e. promoting a desirable visual environment;

f. preventing the degradation of the environment through improper use of land;

g. adjusting land use planning efforts where necessary to address changing demographic characteristics and conditions;

h. preserving and protecting the suburban character of existing residential neighborhoods; and

WHEREAS, the Municipal Council wishes to spread upon the minutes of this meeting its reasons for proceeding with the adoption of this ordinance despite any inconsistencies with the land use plan element and/or any other elements of the Master Plan as well as the concerns raised by the Planning Board.

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:

The governing body has determined to proceed with the adoption of Ordinance #17-13 for the following reasons:

1. Block 30601, Lot 6 is currently developed as an industrial use but the use has been abandoned and the buildings are deteriorated or substandard.

2. The continued use of this property for manufacturing conflicts with the surrounding residential uses to the south.
3. The Municipal Council has adopted Resolution R-13-154 declaring this property to be an area in need of rehabilitation. Both the Planning Board and the Commissioner of the Department of Community Affairs have concurred with that designation.

4. The proposed rezoning will allow for residential development which is compatible with the surrounding neighborhood.

5. The Land Use Element of the Master Plan encourages the adoption of standards to preserve the character and quality of established neighborhoods.

6. The Master Plan also recognizes that land use planning efforts must be adjusted where necessary to address changing demographic characteristics and conditions found within the municipality.

7. The Master Plan further states among its goals:
   a. To preserve and protect the suburban character of existing residential neighborhoods by:
      (1) Establishing zone designations according to existing neighborhood development patterns and according to the environmental limitations found within the respective residential uses;
      (2) Establishing bulk, density and design standards which are appropriate for the various dwelling types in their respective zones;
      (3) Establishing regulations to preserve and enhance the visual appearance of residential neighborhoods.
   b. 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.

8. 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 railroad transportation almost dictates a higher density residential land use be contemplated. The Master Plan provides as a goal:
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.

9. 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 to properties on both sides of Estling Lake Road in the immediate area of the subject property and improved access to all property that has frontage along this right-of-way.

10. It is desirable to encourage the development of affordable housing units, particularly one-bedroom units which are not available in the Township.

11. Concerns about access, including sidewalks and pathways, signage, traffic, and alternative energy sources can be addressed during Planning Board review of any proposed development.

12. With regard to the Planning Board's concern about alternative energy sources, the site is not conducive to micro windmills and the proposed development utilizes a mansard roof which is not conducive to solar energy systems.

13. The Planning Board's concern about electric signs is addressed in the ordinance since, the ordinance being permissive, these signs are prohibited by omission.

14. The parking standards are in compliance with the Residential Site Improvement Standards.

15. With regard to a requirement for enhanced setback requirements for the rear yard and accessory structures, as it relates to detached garages, the ordinance provides the same setback for a detached garage as is required for a parking space.

16. Issues of access do not involve the site but are off-site issues which may be addressed during site plan review.
For all of the foregoing reasons, **BE IT RESOLVED**, by the Municipal Council of the Township of Denville 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 final reading and that a notice of the final passage be published in the issue of The Citizen.
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 10/17/12 for
Delinquent 2011 Calendar Year Water, and a Tax Sale Certificate was purchased by
US Bank Cust for Pro Capital I LLC on Block 61801 Lot 8; 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>61801 8</td>
<td>US Bank Cust for Pro Capital I LLC 1000 Haddonfield- Berlin Rd. Suit 203 Voorhees, NJ 08043</td>
<td>$480.70</td>
</tr>
</tbody>
</table>

Certificate # 2012-033

Premium Returned $300.00

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
RESOLUTION REFUNDING THE PAYMENT
OF TAXES OVERPAID FOR
CALENDAR YEAR 2013

WHEREAS, it has been found that the following taxes were overpaid due to a
Refinance where the previous Mortgage Co & Title Co paid 3rd quarter. Title Co has
asked that owner be refunded directly.

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.

<table>
<thead>
<tr>
<th>BLOCK/LOT</th>
<th>OWNER /MORTGAGE CO.</th>
<th>REFUND</th>
</tr>
</thead>
<tbody>
<tr>
<td>41310 7</td>
<td>Steven/Denise Di Tizii 11 Cisco Road Denville, NJ 07834</td>
<td>$1,845.73</td>
</tr>
</tbody>
</table>

Loc: 11 Cisco 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 __9-3-13__.

CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC MUNICIPAL CLERK
RESOLUTION AUTHORIZING ACCEPTANCE OF FUNDS
FOR CLICK IT OR TICKET 2013 HIGHWAY SAFETY GRANT

WHEREAS, the Township of Denville Police Department has applied for the Highway Safety CLICK IT OR TICKET 2013 Mobilization Grant from the New Jersey Division of Highway Traffic Safety; and

WHEREAS, the State of New Jersey has awarded a grant to the Township of Denville in the amount of $4,000.00; and

WHEREAS, the grant will pay for Police Officers to work overtime to enforce laws effecting the safety and welfare of the people of Denville and to educate and encourage the public on the benefits of obeying all traffic safety signs.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville that authorization is hereby granted to accept the "CLICK IT OR TICKET 2013 MOBILIZATION" MAY 20-JUNE 2, 2013 GRANT from the State of New Jersey in the amount of $4,000.00 and authorize the Municipal Clerk and Chief Municipal Finance Officer to sign the Grant Acceptance Conditions on behalf of the municipality.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

DONNA I. COSTELLO, RMC/CMC
MUNICIPAL CLERK

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 REGULAR COUNCIL MEETING HELD ON 9-3-13

CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC MUNICIPAL CLERK
Re: Click It or Ticket 2013
Statewide Seat Belt Enforcement Mobilization

Dear Chief:

I am pleased to offer your department the opportunity to participate in our annual Click It or Ticket Statewide Seat Belt Enforcement Mobilization. The Division of Highway Traffic Safety is prepared to offer your department $4,000 in overtime enforcement grant funding, to be utilized during the Click It or Ticket 2013 Statewide Seat Belt Mobilization from May 20 through June 2, 2013.

Click It or Ticket grant applications must be submitted on-line through the SAGE e-grant system. Detailed instructions for submitting your grant on SAGE follow. Please note that the application for this grant will be available in SAGE beginning on February 18, 2013 and must be submitted electronically to NJDHTS by April 19, 2013.

If you do not plan to accept the grant, please advise me ASAP.

When you access the grant application in SAGE, please familiarize yourself with the Project Methodology, as you will be expected to adhere to all components of the grant. This is a reimbursement grant, meaning your agency will incur the costs and then submit documentation to the Division to be reimbursed. The maximum hourly rate that will be reimbursed for the enforcement overtime is $50 per hour.

After you have submitted your completed application through SAGE, you will be notified of your approval through SAGE, as well. No written approvals will be sent out.

I am confident that your participation in this grant program will help increase seat belt usage in the State of New Jersey. If you have any questions, please call me at (609) 633-9022.

Sincerely,
Bob Gaydosh
North Region Supervisor
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 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 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>Morris Catholic H.S.</td>
<td>On Prem 50/50</td>
<td>11-23-13</td>
</tr>
<tr>
<td>Morris Catholic H.S.</td>
<td>Off Prem 50/50</td>
<td>11-23-13</td>
</tr>
</tbody>
</table>


RESOLUTION REFUNDING THE PAYMENT OF OVERPAID TAXES 2013

WHEREAS, it has been found that the following overpayments have occurred due to Morris County Board of Taxation Judgment for 2013. Judgments were not received until after tax bills were mailed resulting in adjustments to the 4th quarter tax bills but still leaving a residual overpayment.

NOW, THEREFORE, BE IT RESOLVED that the appropriate Municipal Official is hereby authorized and directed to prepare vouchers in the following names to refund said overpayments, due to said judgments.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall forward the checks to the appropriate Municipal Official to be delivered to said taxpayers after the refund has been recorded in the taxpayers history file.

<table>
<thead>
<tr>
<th>Block/Lot</th>
<th>Reason for Refund</th>
<th>Owner or Mortgage Co.</th>
<th>Refund Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>50303</td>
<td>2013 Judgment</td>
<td>Gregg Trautman &amp; Donna Trautman Skoloff &amp; Wolfe PC 293 Eisenhower Parkway Livingston, NJ 07039</td>
<td>$5076.09</td>
</tr>
<tr>
<td>50308</td>
<td>2013 Judgment</td>
<td>L &amp; S Associated 35 West Main St, Unit 206 Denville, NJ 07834</td>
<td>$195.05</td>
</tr>
<tr>
<td>50308</td>
<td>2013 Judgment</td>
<td>Alan B Steiner, M.D. 35 West Main St, #208 Denville, NJ 07834</td>
<td>$75.99</td>
</tr>
</tbody>
</table>

I, DONNA I COSTELLO, MUNICIPAL CLERK OF THE TOWNSHIP OF DENVILLE TO 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 _____________.

DONNA I COSTELLO, RMC/CMC MUNICIPAL CLERK
RESOLUTION AUTHORIZING SETTLEMENT OF CERTAIN TAX APPEALS

WHEREAS, appeals of the 2009, 2010, 2011 and 2012 real property tax assessments of the following properties have been filed in the Tax Court of New Jersey:

<table>
<thead>
<tr>
<th>OWNER</th>
<th>BLOCK</th>
<th>LOT</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>490 East Main St. Assoc., LLC</td>
<td>31301</td>
<td>4</td>
<td>490 E. Main Street</td>
</tr>
<tr>
<td>Siciliano, Eugene/Immacolata</td>
<td>21001</td>
<td>14</td>
<td>3108 Route 10</td>
</tr>
<tr>
<td>Tong, Jimmy/Ka-Wing</td>
<td>10201</td>
<td>9</td>
<td>10 North Ridge Road</td>
</tr>
<tr>
<td>Dews, Patrick</td>
<td>10003</td>
<td>1</td>
<td>137 Casterline Road</td>
</tr>
<tr>
<td>Denville Station, LLC</td>
<td>31406</td>
<td>1</td>
<td>276 E. Main Street</td>
</tr>
<tr>
<td>Kim, Yong &amp; Lee, Jin</td>
<td>11504</td>
<td>4</td>
<td>8 Canterbury Road</td>
</tr>
</tbody>
</table>

; and

WHEREAS, the Township Tax Assessor, attorney and appraisal expert are of the opinion that it is the best interest of the Township to settle these appeals.

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. The settlement of the following tax appeals filed at the Tax Court of New Jersey are hereby authorized as follows:

<table>
<thead>
<tr>
<th>CASE</th>
<th>YEAR</th>
<th>ORIGINAL ASSESSMENT</th>
<th>PROPOSED ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>490 East Main St. Assoc., LLC</td>
<td>2009</td>
<td>$1,336,100</td>
<td>$1,100,000</td>
</tr>
<tr>
<td></td>
<td>2010</td>
<td>$1,336,100</td>
<td>$1,100,000</td>
</tr>
<tr>
<td>Siciliano, Eugene/Immacolata</td>
<td>2010</td>
<td>$1,011,400</td>
<td>$907,800</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>$1,011,400</td>
<td>$900,400</td>
</tr>
<tr>
<td></td>
<td>2012</td>
<td>$1,011,400</td>
<td>$908,100</td>
</tr>
<tr>
<td>Tong, Jimmy/Ka-Wing</td>
<td>2010</td>
<td>$ 751,100</td>
<td>$ 588,800</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>$ 751,100</td>
<td>$ 589,500</td>
</tr>
<tr>
<td></td>
<td>2012</td>
<td>$ 751,000</td>
<td>$ 595,500</td>
</tr>
<tr>
<td>Dews, Patrick</td>
<td>2012</td>
<td>$1,031,100</td>
<td>$ 475,000</td>
</tr>
<tr>
<td></td>
<td>2013</td>
<td>$1,031,100</td>
<td>$ 675,000</td>
</tr>
<tr>
<td>Denville Station, LLC</td>
<td>2010</td>
<td>$5,351,000</td>
<td>$5,351,000</td>
</tr>
<tr>
<td></td>
<td>2011</td>
<td>$5,472,900</td>
<td>$5,472,900</td>
</tr>
<tr>
<td>Kim, Yong &amp; Lee, Jin</td>
<td>2012</td>
<td>$ 707,700</td>
<td>$ 595,400</td>
</tr>
<tr>
<td></td>
<td>2013</td>
<td>$ 707,700</td>
<td>$ 595,400</td>
</tr>
</tbody>
</table>

2. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

3. This Resolution shall take effect immediately.
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, and a Tax Sale Certificate was purchased by Us Bank Cust\Emp IV Cap on Block 70503 Lot 394; 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>70503 394</td>
<td>Us Bank Cust\Emp IV Cap</td>
<td>$17,047.23</td>
</tr>
<tr>
<td></td>
<td>1000 Haddonfield-Berlin Rd.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Suite 203</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Voorhees, NJ 08043</td>
<td></td>
</tr>
</tbody>
</table>

Certificate # 2011-066

Premium Returned $3,000.00

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 7-3-13.

CERTIFICATION DATED: DONNA I COSTELLO, RMC/CMC
MUNICIPAL CLERK
WHEREAS, the Township has collected fees from Developers pursuant to the approval of the Council on Affordable Housing ("COAH") and a Development Fee Ordinance approved by COAH; and

WHEREAS, the collected funds may only be expended in accordance with the approved spending plan; and

WHEREAS, the spending plan provides for the use of such funds for purposes of rehabilitation within the Township; and

WHEREAS, Cook's Pond Senior Housing was developed as a 100% affordable housing project for the Township and is administered by Madison Affordable Housing Corporation Cooks Pond LP; and

WHEREAS, the Township has received a request from Cooks Pond LP for the use of such funds for repair and upgrade of the building's emergency lighting in the hallways and stairwells and the emergency generator; and

WHEREAS, the cost to provide such rehabilitation is estimated to be approximately $50,000.00, which would be provided by the Township's Affordable Housing Trust Fund; and

WHEREAS, the Municipal Housing Liaison Officer has recommended that the request for funds be granted; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available in the Affordable Housing Trust Fund for these purposes.

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 a sum not to exceed $50,000.00 is hereby authorized to be appropriated from the Affordable Housing Trust Fund for the rehabilitation of Cook's Pond Senior Housing as set forth in the recommendation of the Municipal Housing Liaison dated August 28, 2013.
August 20, 2013

The Honorable Thomas Andes, Mayor
Township of Denville
1 St. Mary’s Place
Denville, New Jersey 07834

Dear Mayor Andes:

The Cook's Pond, LP has been successfully operating its 70 apartment senior citizen development for the past thirteen years without any additional financial support from the Township. However, we have come upon a situation that we cannot afford to address without your assistance.

Over the past several years, and a recently as last week, the Denville Fire Department has expressed concerns over the lack of emergency lighting in the hallways and stairwells during an emergency or power outage.

This is a situation that needs to be rectified. We have had our electricians and generator contactors inspect the building and make recommendations on how to resolve this problem. It is their recommendation that the emergency lights in the hallways be "hard-wired" and connected into the emergency generator, and that emergency lights be installed in the stairwells and they too be "hard-wired and connected to the generator.

In order to accommodate this work we would like to apply to the Township's affordable housing rehabilitation program for a grant in the amount of $50,000. This would be used as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>80kw generator</td>
<td>$30,000</td>
</tr>
<tr>
<td>Installation</td>
<td>$8,000</td>
</tr>
<tr>
<td>Engineer</td>
<td>$8,000</td>
</tr>
<tr>
<td>Misc.</td>
<td>$4,000</td>
</tr>
</tbody>
</table>

This would be an eligible rehabilitation project under the COAH guidelines and the Township may be eligible for up to six (6) credits.

Thank you very much for your time and consideration to this matter. Please do not hesitate to contact me if there is a need for additional information.

Very truly,

Louis A. Riccio
Cooks Pond LP is requesting funds from the Township’s Affordable Housing Trust Fund ("AHTF") to be utilized toward the rehabilitation of the Cook’s Pond Senior Housing. The specific improvements shall be the installation of hard-wired emergency lighting in the hallways and stairwells as well as an emergency generator. Cook’s Pond Senior Housing is a 100% affordable housing complex and is therefore able to benefit from the use of the Township’s AHTF funds.

As stated in the letter dated August 20, 2013, Denville Township Fire Department has expressed concerns over the past several years of the lack of emergency lighting in the facility. This became very evident during the power outage after Super Storm Sandy.

As this is a very important repair in order to ensure the continued welfare and safety of the senior residents of Cook’s Pond Senior Housing, I would respectfully recommend the requested amount of $50,000.00 be provided to Cooks Pond LP, care of Louis Riccio at Madison Affordable Housing Corporation who shall administer and coordinate the upgrades.

Thank you for your consideration to this matter.
RESOLUTION AUTHORIZING APPLICATION FOR FUNDS
FOR DRUNK DRIVING ENFORCEMENT PROGRAM GRANT
PURSUANT TO N.J.S.A. 39:4-50.8/N.J.A.C. 13:86

WHEREAS, the State of New Jersey, Division of Highway Safety ("State") provides grants to nonprofit organizations for assistance in the acquisition of funds for DRUNK DRIVING ENFORCEMENT; and

WHEREAS, the Township of Denville desires to further the public interest by obtaining a grant of $12,042.27 from the State to fund the DRUNK DRIVING ENFORCEMENT PROGRAM - July 1, 2012 through June 30, 2013; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the grant program and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project.

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. the Traffic Task Force of the Denville Police Department is hereby authorized to make application for a $12,042.27 grant from the State of New Jersey, Division of Highway Safety for the DRUNK DRIVING ENFORCEMENT PROGRAM - JULY 1, 2012 THROUGH JUNE 30, 2013.

2. the Traffic Task Force of the Denville Police Department shall provide additional application information and furnish such documents as may be required.

3. the Traffic Task Force of the Denville Police Department shall act as the authorized correspondent of the Township relative to this application.

4. the applicant agrees to comply with all applicable laws, rules and regulations in its performance of the project.

5. this Resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE


CERTIFICATION DATED: DONNA I. COSTELLO, RMC/CMC MUNICIPAL CLERK
The Meeting was called to order by President Fitzpatrick at 7:32 p.m. The Salute to the Flag was recited, followed by an Invocation given by Councilman Gabel. Township Clerk Donna Costello read the Open Public Meetings Act Statement. Mrs. Costello noted that Councilmen Kuser and Golinski as well as Councilwoman Smith all called to advise that they will not be in attendance this evening.

ROLL CALL: GABEL, LYDEN, SCOLLANS, FITZPATRICK
ALSO IN ATTENDANCE: MAYOR ANDES, ADMINISTRATOR WARD, TOWNSHIP ATTORNEY JANSEN AND TOWNSHIP PLANNER KASLER

President Fitzpatrick advised that Ordinance #17-13, which deals with the Estling Lake Rehabilitation Plan, will not be voted upon this evening. He said that we are awaiting an approval from the Commissioner of the Department of Community Affairs but added that there will still be a presentation on that ordinance. President Fitzpatrick noted that there will be a public portion on the ordinance which will be continued at the September 3rd meeting.

President Fitzpatrick stated that no action will be taken on the hotel ordinance. He explained that there are notice requirements that have not been met. Attorney Jansen interjected that the recommendation is to withdraw the ordinance until such time as the Planning Board has conducted a re-examination of the Master Plan and then it can be re-introduced.

LIAISON REPORTS:
Councilman Scollans reported that the Triathalon was a huge success. He gave kudos to Councilman Golinski who successfully completed all aspects of the race. Mr. Scollans thanked Mr. Ward for his speedy response to all of the issues that Mr. Scollans brought to him.
Mr. Scollans advised that the next Senior Social will be in September. He explained that the dates are determined by the availability of the church hall and the dates will be published in the Neighbor News.
Mr. Scollans noted that the American Legion has a breakfast on the first Sunday of every month and encouraged everyone to support that event.
Councilman Scollans reported that the Governor has signed off on $3 million to de-snag the Passaic Basin, including the lower Saddle River and the Passaic River Basin. Mr. Scollans asked President Fitzpatrick if a resolution is being formulated concerning the Rockaway River Cabinet. President Fitzpatrick replied that he believes that the three appointees from Denville have been properly appointed, but a resolution will be drafted if needed.
It was clarified that the appointees are Kevin Scollans, Tom Dean and the Mayor. President Fitzpatrick explained that three members were appointed by the Mayor and
confirmed by a motion expressing Advice and Consent as follows: Mayor Andes, Kevin Scollans as a Council appointment and Tom Dean as a public at large representative. Administrator Ward noted that, in his dealings with the Watershed representative, he was told that Denville is in total compliance with the requirements and is one of the leaders on the Committee.

Mr. Scollans advised that the Environmental Commission and the Green Sustainability Committee will both meet on the fourth Thursday of the month at 6:30 p.m. He added that the Historical Society will resume meetings on the second Wednesday in September.

Mr. Scollans reported that he attended the Sri Lanka Day celebration and said that it was a very nice event and a demonstration of the acceptance of the changing demographics in Denville.

Councilwoman Lyden advised that there will be a Beautification Committee meeting tomorrow evening, Wednesday, August 14th at 7:00 p.m. and all are welcome to attend. Councilman Gabel reported that the Board of Education is making final preparations for the upcoming school year and the first full year of full-day Kindergarten. Mr. Gabel congratulated the Events and Celebrations Committee for the Triathalon which was an outstanding event.

Councilman Gabel noted that he is working with the Deer Committee on their preparations for this year’s culling. President Fitzpatrick also commented on the success of the Triathalon and the extraordinary efforts of Councilman Golinski in preparing for and taking part in the event. He said that Mr. Golinski is a great role model for the community and said that he hopes many people will be encouraged to follow his example to work towards a healthier life style.

MAYOR’S REPORT:

Mayor Andes noted that the 30th Annual Sri Lanka Day was a big success, in spite of the moist weather. The Mayor stated that the Triathalon on Saturday was a magnificent event and was held on a perfect day. He said “hats off” to the entire committee for the great organization and planning of the event. Mayor Andes extended thanks to all the departments and committees that had a hand in organizing and running the event and to all of the participants. He said that the number of emergency incidents were minimal and not of a major nature.

Mayor Andes noted that on Saturday the 3rd Annual Kids TryHarderAthalon will be held. He said that there are usually over 100 participants of various ages and it is heartwarming to watch the four and five-year olds swimming with water wings and biking with training wheels. The Mayor reminded everyone that September 22nd is the date for the Denville Centennial Family Picnic and the Denville Centennial Treasure Hunt is now in full swing.
Mayor Andes spoke about the de-snagging grant and advised that the Administration has been in constant contact with Senator Bucco's office to encourage him to press the Governor to sign the bill. He said that as soon as details on how to apply for that grant are available, he will pass them on to the Council. The Mayor reported that a second meeting was held today with representatives of Indian Lake Association and we are moving forward with the funding for the repair of the portion of the wall that is holding up East Shore Road. He said that work should commence sometime in September or October.

**ADMINISTRATOR'S REPORT:**
Administrator Ward stated that he is happy to announce that, since the last meeting, the Township has closed on several additional houses on Riverside Drive. He said that currently, the Township has acquired ten (10) of the eleven (11) houses in the flood buy-out program and there is a tentative closing date next week for the eleventh (11th).
Mr. Ward explained that the demolition contractor is taking down the houses as soon as he is provided with the confirmation that all utilities have been disconnected. He said that five (5) have been demolished and the contractor has now received a notice to proceed to demolish nine (9) of the ten (10) houses that we own.
The Administrator noted that the contractor is making good progress on the Valley View Firehouse. The work is on schedule and, more importantly, on budget. He said that the goal is still to have the project substantially completed in time for the Firemen's Inspection.
Mr. Ward addressed the Police Department renovation and noted that it is substantially completed with only a punch list of items for the contractor to clean up. He said that a Temporary Certificate of Occupancy has been issued.

**PUBLIC PORTION:**
Gerry Idec, 1 East Longview Trail, asked how one would go about making a complaint about a property maintenance issue.
Administrator Ward replied that an e-mail or telephone call to the Construction office would be the way to report a suspected violation of the Property Maintenance Code. He said that all violations will be addressed separately by our Property Maintenance Code Officer. Mr. Ward added that the severity of the violation will determine the course of action that is taken. Mr. Idec asked what the time frame would be to answer a complaint. Mr. Ward explained that it would depend on the work load in the Construction Dept. because one individual is currently serving as Construction Official, Building Inspector and Property Maintenance Code Enforcement Officer.
Mr. Idec asked if the name of the complainant would be available to the person being accused of the violation. Mr. Ward replied that, if it is a written complaint and comes under the Open Public Records Act, it would be subject to release.
Attorney Jansen explained that the person's name would probably be redacted because the Government Records Council has ruled that the name does not have to be
provided. He said that a complaint would be signed by the Township Code Enforcement Officer, if warranted and not by person lodging the complaint. In this way confrontations can be avoided.

Mr. Idec asked if the person against whom the complaint is lodged would be permitted to fix the problem before receiving a citation. Administrator Ward replied absolutely; he said that our goal is to obtain voluntary compliance without having to issue a summons. Mr. Ward added that it was never intended to be a punitive ordinance, the Township is just seeking compliance.

Mr. Idec asked what agency he would appeal to if he felt the violation was not handled properly.

Attorney Jansen replied that it would be the Administration.

Mr. Idec asked if any part of Franklin Road, which is scheduled for re-paving, is owned by the County or the State. Mr. Ward replied that it is completely owned by the Township.

Franz Fuertges, 109 Ford Road, noted that the State has sprayed a herbicide along the eastbound side of Route 46 which has killed plants that the Township put in some years ago. He asked if the Township can recoup any of the money that it spent on those plants. Mr. Ward replied that he does not believe we have any recourse since that is the risk we take by planting on someone else’s property.

Councilman Scollans interjected that the same thing is being done on Route 10 and agreed that, since it is State property they can do pretty much whatever they want there. He said that he feels that it is totally inappropriate for the State to deface our town by killing the plants along the road. Mr. Scollans suggested that we contact our State Senator about this issue.

President Fitzpatrick stated that Mr. Fuertges has a good point and said that the Administration or Engineer will try to contact whoever is in charge of the day to day operation of spraying. He said that if they meet with resistance, we can certainly speak to our State Senator.

Mayor Andes added that he will contact Senator Bucco.

CLOSE PUBLIC PORTION.

CORRESPONDENCE: Clerk Costello advised that all correspondence has been copied to Council, with the exception of a twenty-one page, sixty-five signature petition that was dropped off yesterday afternoon. She said that it is in opposition to the Estling Lake project and will be copied to the Council tomorrow.

MATTERS OF OLD AND/OR NEW BUSINESS: None.

ORDINANCE(S) FOR ADOPTION:

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 READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON:
MOTION TO READ BY TITLE: MOVED BY MEMBER GABEL, SECONDED BY
MEMBER LYDEN
AYES: GABEL, LYDEN, FITZPATRICK
NAY: SCOLLANS
President Fitzpatrick asked Planner Jason Kasler to give a brief presentation regarding
this ordinance, which he previously gave at a Planning Board meeting at which many
members of the Estling Lake community were present.
A copy of Mr. Kasler’s presentation is attached to these minutes.
Following the presentation President Fitzpatrick opened the floor to the Council
members for questions.
Councilman Scollans noted that he voted no for a couple of reasons. He stated that he
takes issue with Mr. Kasler’s statement that the ordinance will supercede the Master
Plan. Mr. Scollans added that he does not think we need the rehabilitation plan in
order to get this project approved.
Mr. Kasler responded that a rehabilitation plan is a master plan for a specific site. He
said that the legislation was written to allow for a site-specific or region-specific plan.
President Fitzpatrick noted that the Township’s Master Plan needs to be re-evaluated
shortly. Mayor Andes interjected that the re-evaluation is scheduled to begin in the
middle of next year.
OPEN PUBLIC HEARING ON #17-13:
Gerry Idec, 1 E. Longview Trl., commented that there should be an access road that
could be used in case of emergency.
President Fitzpatrick replied that this issue has been discussed in detail at previous
meetings and he explained the options that may be considered. He noted that there
has always been an issue with an access road at that location and, if this project is not
permitted, another factory could go in there with all the problems it could bring.
Mayor Andes added that about five different options have been explored. He said that
some are cost prohibitive, one was offered at no cost to the Township but would involve
putting four hundred apartments on the site and added that several “emergency only”
access roads are on the list of possibilities.
AI Edwards, 50 Estling Lake Road, asked for a clarification of the twenty-foot rear yard
setback. He questioned the setback where the rear of the building is facing Estling
Lake Road. Mr. Kasler replied that the rear yard would be measured from the closest
point of that building to the rear property line.
Mr. Edwards commented that, aside from the every 4-5 year closing of the crossing by
N.J. Transit for maintenance, the trains stall quite often and block the crossing for a
couple of hours.

PRESIDENT FITZPATRICK ADVISED THAT THE PUBLIC HEARING WILL CONTINUE ON SEPTEMBER 3\textsuperscript{rd}, 2013. NO FURTHER ACTION WILL BE TAKEN ON THIS ORDINANCE THIS EVENING.

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 READ BY TITLE ON SECOND READING AND A HEARING HELD THEREON: MOTION TO READ BY TITLE: MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN AYES: GABEL, LYDEN, SCOLLANS, FITZPATRICK

OPEN PUBLIC HEARING: No one wished to be heard.

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 FINAL READING AND THAT A NOTICE OF FINAL PASSAGE BE PUBLISHED IN THE 8-21-13 ISSUE OF THE CITIZEN. MOTION TO ADOPT: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL AYES: SCOLLANS, GABEL, LYDEN, FITZPATRICK

Attorney Jansen stated that Ordinance #18-13 requires a vote of a majority of the full membership of the governing body, so with four (4) affirmative votes the ordinance passes.

Attorney Jansen advised that his recommendation, with respect to Ordinance #19-13, is that it be withdrawn. Mr. Jansen explained that because of the change in classification within the B-2 District, the I-1 Industrial District and the I-2 Industrial District, the number of notices that have to be provided to affected property owners is huge. He said that there would be approximately 750 in Denville alone, plus notices to residents in Rockaway Borough, Rockaway Township, Mountain Lakes, Parsippany and Randolph. Attorney Jansen added that notice must be provided by both certified mail and regular
mail which could potentially amount to a couple of thousand individualized notices. He said that there is no requirement for individual notification if a zoning change comes about as a result of a re-examination of the Master Plan by the Planning Board. The Planning Board has been asked to take a look at this and consider a Master Plan re-examination. Attorney Jansen said that his recommendation to the Council is to withdraw this ordinance and if and when we have a re-examination report from the Planning Board, which is scheduled for consideration on September 11th, we will re-introduce an appropriate ordinance.

MOTION TO WITHDRAW ORDINANCE #19-13: MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN
AYES: GABEL, LYDEN, SCOLLANS, FITZPATRICK

President Fitzpatrick called for a brief recess at 8:42 p.m.
The meeting resumed at 8:46 P.M.

President Fitzpatrick asked if anyone from the Council or the public wished to have anything removed from the Consent Agenda. No one responded.

CONSENT AGENDA:
R-13-171 RESOLUTION AUTHORIZING GRANT APPLICATION FOR THE STATE OF NEW JERSEY 2013 BODY ARMOR REPLACEMENT FUND
R-13-172 RESOLUTION AUTHORIZING AGREEMENT REGARDING PROPERTY LOCATED AT 121 EAST SHORE ROAD
R-13-173 RESOLUTION AUTHORIZING EXECUTION OF A GRANT OF CONSERVATION RESTRICTION/EASEMENT RELATIVE TO BLOCK 60005, LOT 1 (FORD ROAD RECREATION FIELD)
R-13-174 RESOLUTION AUTHORIZING REFUND OF RECREATION DEPARTMENT FEES
R-13-175 RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE
R-13-176 RESOLUTION AUTHORIZING ISSUANCE OF SPECIAL ONE DAY ABC LIQUOR LICENSE
R-13-177 RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE
R-13-178 RESOLUTION AUTHORIZING ADVERTISING FOR BID FOR VETERAN'S MEMORIAL PARK IMPROVEMENT PROJECT
R-13-179 RESOLUTION AUTHORIZING ADVERTISING FOR BID FOR FOREST TRAIL PUMP STATION
R-13-180 RESOLUTION AUTHORIZING A REFUND OF A BUILDING PERMIT FEE
R-13-181 RESOLUTION TO CANCEL SEWER AND WATER CHARGES
ASSESSED AND LEVIED AGAINST BLOCK 50408, LOT 108 (19 RIVERSIDE DR.)

R-13-182 RESOLUTION AUTHORIZING A REFUND OF A COAH DEVELOPMENT FEE

MOTION TO APPROVE CONSENT AGENDA: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, GABEL, FITZPATRICK

NON-CONSENT RESOLUTIONS:
R-13-183 RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND

MOTION TO APPROVE R-13-183: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER LYDEN
AYES: SCOLLANS, LYDEN, GABEL, FITZPATRICK

R-13-184 RESOLUTION OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS AND STATE OF NEW JERSEY CONFIRMING THE SALE OF VARIOUS ITEMS OF MUNICIPAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE

MOTION TO APPROVE R-13-184: MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN
AYES: GABEL, LYDEN, SCOLLANS, FITZPATRICK

MOTION TO APPROVE MINUTES OF 7-16-13: MOVED BY MEMBER SCOLLANS, SECONDED BY MEMBER GABEL
AYES: SCOLLANS, GABEL, LYDEN, FITZPATRICK

MOTION TO ADJOURN: MOVED BY MEMBER GABEL, SECONDED BY MEMBER LYDEN
AYES: UNANIMOUS

MEETING ADJOURNED AT 8:49 P.M.

Respectfully submitted by:

[Signature]
Kathleen A. Costello
Deputy Municipal Clerk
Rehabilitation of 30 Estling Lake Road

Jason L. Kasler, AICP, PP
Steps to Rehabilitation:

- Enter into a developers agreement
- Second reading of rehabilitation plan (ordinance)
- Send ordinance to planning board for consistency

Community Affairs
- File rehabilitation plan with the Department of
- First reading of rehabilitation plan (ordinance)
- Authorize planner to prepare rehabilitation plan
- Refer determination to planning board for review.

Rehabilitation
- Council adopts report deeming site(s) area in need of
- Report concludes that site meets requirement
- Authorize planner to prepare planning report.
Rehabilitation Report:

- Introduction
- Existing Conditions of the Subject Property
- Criteria for Rehabilitation Area Determination
- Zoning of the Subject Property
- Master Plan Recommendation
- Master Plan Compatibility
- Subject properties Evaluation for Compliance with Rehabilitation Criteria
- Aerial Photographs
- Interior Photographs
- Exterior Photographs
- Evaluation
- Conclusion
- Resolution
- Proposed Rehabilitation Plan
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.
Rehabilitation Report:

- Introduction
- Existing Conditions of the Subject Property
- Criteria for Rehabilitation Area Determination
- Zoning of the Subject Property
- Master Plan Recommendation
- Master Plan Compatibility
- Subject properties Evaluation for Compliance with Rehabilitation Criteria
- Aerial Photographs
- Interior Photographs
- Exterior Photographs
- Evaluation
- Conclusion
- Resolution
- Proposed Rehabilitation Plan
Rehabilitation Report:

- 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.
Rehabilitation Report:

- 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 sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.
Rehabilitation Report:

- Introduction
- Existing Conditions of the Subject Property
- Criteria for Rehabilitation Area Determination
- Zoning of the Subject Property
- Master Plan Recommendation
- Master Plan Compatibility
- Subject properties Evaluation for Compliance with Rehabilitation Criteria
- Aerial Photographs
- Interior Photographs
- Exterior Photographs
- Evaluation
- Conclusion
- Resolution
- Proposed Rehabilitation Plan
Rehabilitation Report:

- Introduction
- Existing Conditions of the Subject Property
- Criteria for Rehabilitation Area Determination
- Zoning of the Subject Property
- Master Plan Recommendation
- Master Plan Compatibility
- Subject properties Evaluation for Compliance with Rehabilitation Criteria
- Aerial Photographs
- Interior Photographs
- Exterior Photographs
- Evaluation
- Conclusion
- Resolution
- Proposed Rehabilitation Plan
Rehabilitation Report:

LAND USE KEY

- RESIDENTIAL-CONSERVATION (40,000 sf & 80,000 sf)
- LOW DENSITY RESIDENTIAL (200,000 sf & 80,000 sf)
- MEDIUM DENSITY RESIDENTIAL (400,000 sf & 200,000 sf)
- HIGH DENSITY RESIDENTIAL (1,000,000 sf & 2,000,000 sf)
- MULTI-FAMILY RESIDENTIAL
- CENTRAL BUSINESS
- HIGHWAY RECREATION
- GENERAL BUSINESS
- INSTITUTIONAL (100,000 sf & 200,000 sf)
- OFFICE (100,000 sf & 200,000 sf)
- LIGHT INDUSTRIAL (50,000 sf)
- HEAVY INDUSTRIAL (50,000 sf)
- PUBLIC UTILITY

LAND USE PLAN
TOWNSHIP OF
DENVILLE
MORRIS COUNTY, NEW JERSEY

Subject Property
Rehabilitation Report:

- Introduction
- Existing Conditions of the Subject Property
- Criteria for Rehabilitation Area Determination
- Zoning of the Subject Property
- Master Plan Recommendation
- Master Plan Compatibility
- Subject properties Evaluation for Compliance with Rehabilitation Criteria
- Aerial Photographs
- Interior Photographs
- Exterior Photographs
- Evaluation
- Conclusion
- Resolution
- Proposed Rehabilitation Plan
Rehabilitation Report:

- Introduction
- Existing Conditions of the Subject Property
- Criteria for Rehabilitation Area Determination
- Zoning of the Subject Property
- Master Plan Recommendation
- Master Plan Compatibility
- Subject properties Evaluation for Compliance with Rehabilitation Criteria
- Aerial Photographs
- Interior Photographs
- Exterior Photographs
- Evaluation
- Conclusion
- Resolution
- Proposed Rehabilitation Plan
Approximate site boundary outlined in green.

Aerial Photograph (Viewing to the North)

Rehabilitation Report

Aerials
Rehabilitation Report:

Aerial Photograph (Viewing to the South)

Approximate site boundary outlined in green.
Rehabilitation Report:

- Introduction
- Existing Conditions of the Subject Property
- Criteria for Rehabilitation Area Determination
- Zoning of the Subject Property
- Master Plan Recommendation
- Master Plan Compatibility
- Subject properties Evaluation for Compliance with Rehabilitation Criteria
- Aerial Photographs
- Interior Photographs
- Exterior Photographs
- Evaluation
- Conclusion
- Resolution
- Proposed Rehabilitation Plan
Rehabilitation Report

Interior Photos

Interior Photography #3
Rehabilitation Report:

- Introduction
- Existing Conditions of the Subject Property
- Criteria for Rehabilitation Area Determination
- Zoning of the Subject Property
- Master Plan Recommendation
- Master Plan Compatibility
- Subject properties Evaluation for Compliance with Rehabilitation Criteria
- Aerial Photographs
- Interior Photographs
- Exterior Photographs
- Evaluation
- Conclusion
- Resolution
- Proposed Rehabilitation Plan
Rehabilitation Report:

- Introduction
- Existing Conditions of the Subject Property
- Criteria for Rehabilitation Area Determination
- Zoning of the Subject Property
- Master Plan Recommendation
- Master Plan Compatibility
- Subject properties Evaluation for Compliance with Rehabilitation Criteria
- Aerial Photographs
- Interior Photographs
- Exterior Photographs
- Evaluation
- Conclusion
- Resolution
- Proposed Rehabilitation Plan
Rehabilitation Report:

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

- 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**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Value:</td>
<td>$1,080,900</td>
</tr>
<tr>
<td>Improvements</td>
<td>$1,325,600</td>
</tr>
<tr>
<td>Net taxed</td>
<td>$2,406,500</td>
</tr>
</tbody>
</table>

$1,325,600/$1,080,900 = 1.226385
Rehabilitation Report:

Persistent arrearage of property taxes:

<table>
<thead>
<tr>
<th>Year</th>
<th>Taxes Owed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>$79,996.23</td>
</tr>
<tr>
<td>2010</td>
<td>$86,868.46</td>
</tr>
<tr>
<td>2011</td>
<td>$59,971.36</td>
</tr>
<tr>
<td>2012</td>
<td>$17,169.02</td>
</tr>
<tr>
<td>Total</td>
<td>$244,005.07</td>
</tr>
</tbody>
</table>
Rehabilitation Report:

- Introduction
- Existing Conditions of the Subject Property
- Criteria for Rehabilitation Area Determination
- Zoning of the Subject Property
- Master Plan Recommendation
- Master Plan Compatibility
- Subject properties Evaluation for Compliance with Rehabilitation Criteria
- Aerial Photographs
- Interior Photographs
- Exterior Photographs
- Evaluation
- Conclusion
- Resolution
- Proposed Rehabilitation Plan
Rehabilitation Report:

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.
Steps to Rehabilitation:

- Authorize planner to prepare planning report.
- Report concludes that site meets requirement.
- Council Adopts report deeming site(s) area in need of rehabilitation.
- Refer Determination to Planning Board for Review.
- Authorize planner to prepare rehabilitation plan.
- First reading of rehabilitation plan (ordinance).
- File rehabilitation plan with the Department of Community Affairs.
- Send ordinance to Planning Board for consistency review.
- Second reading of rehabilitation plan (ordinance).
- Enter into a developers agreement.
Steps to Rehabilitation:

- Authorize planner to prepare planning report.
- Report concludes that site meets requirement.
- Council Adopts report deeming site(s) area in need of rehabilitation.
- Refer Determination to Planning Board for Review.
- Authorize planner to prepare rehabilitation plan.
- First reading of rehabilitation plan (ordinance).
- File rehabilitation plan with the Department of Community Affairs.
- Send ordinance to Planning Board for consistency review.
- Second reading of rehabilitation plan (ordinance).
- Enter into a developers agreement.
Steps to Rehabilitation:

- Authorize planner to prepare planning report.
- Report concludes that site meets requirement.
- Council Adopts report deeming site(s) area in need of rehabilitation.
- Refer Determination to Planning Board for Review.
- Authorize planner to prepare rehabilitation plan.
- First reading of rehabilitation plan (ordinance).
- File rehabilitation plan with the Department of Community Affairs.
- Send ordinance to Planning Board for consistency review.
- Second reading of rehabilitation plan (ordinance).
- Enter into a developers agreement.
Steps to Rehabilitation:

- Authorize planner to prepare planning report.
- Report concludes that site meets requirement.
- Council Adopts report deeming site(s) area in need of rehabilitation.
- Refer Determination to Planning Board for Review.
- Authorize planner to prepare rehabilitation plan.
- First reading of rehabilitation plan (ordinance).
- File rehabilitation plan with the Department of Community Affairs.
- Send ordinance to Planning Board for consistency review.
- Second reading of rehabilitation plan (ordinance).
- Enter into a developers agreement.
Rehabilitation Plan:

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

Patio or Terrace

The following terms are modified in section 19-1.2 entitled “Definitions”

Story

Building height
Rehabilitation Plan:

**Permitted Uses**

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

- Single Family Residential Units
- Garden Apartments
- Townhouse dwelling units
- Mid Rise Apartments
Rehabilitation Plan:

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:
- Decks
- Patios/Terraces
- Gate House / Guard Booth / Welcome Booth
- Clubhouse
- Passive and active recreation
- Open Space
Rehabilitation Plan:

**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.
## Rehabilitation Plan:

### Bulk Standards

**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
Rehabilitation Plan:

**Bulk Standards**

Building to building minimum distance*  
25 feet

Maximum Building Height  
35 feet

Maximum Coverage

Building Coverage  
25%

Impervious Coverage  
65%
Rehabilitation Plan:

**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.
Rehabilitation Plan:

**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.
Rehabilitation Plan:

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.
Rehabilitation Plan:

**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.
Rehabilitation Plan:

**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.
Rehabilitation Plan:

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.
Rehabilitation Plan:

COAH

The redevelopment of this site must provide affordable housing consistent with the New Jersey Council 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.
Steps to Rehabilitation:

- Authorize planner to prepare planning report.
- Report concludes that site meets requirement.
- Council Adopts report deeming site(s) area in need of rehabilitation.
- Refer Determination to Planning Board for Review.
- Authorize planner to prepare rehabilitation plan.
- First reading of rehabilitation plan (ordinance).
- File rehabilitation plan with the Department of Community Affairs.
- Send ordinance to Planning Board for consistency review.
- Second reading of rehabilitation plan (ordinance).
- Enter into a developers agreement.
Steps to Rehabilitation:

- Authorize planner to prepare planning report.
- Report concludes that site meets requirement.
- Council Adopts report deeming site(s) area in need of rehabilitation.
- Refer Determination to Planning Board for Review.
- Authorize planner to prepare rehabilitation plan.
- First reading of rehabilitation plan (ordinance).
- File rehabilitation plan with the Department of Community Affairs.
- Send ordinance to Planning Board for consistency review.
- Second reading of rehabilitation plan (ordinance).
- Enter into a developers agreement.
Rehabilitation

Steps to Rehabilitation:

- Authorize planner to prepare planning report.
- Report concludes that site meets requirement.
- Council Adopts report deeming site(s) area in need of rehabilitation.
- Refer Determination to Planning Board for Review.
- Authorize planner to prepare rehabilitation plan.
- First reading of rehabilitation plan (ordinance).
- File rehabilitation plan with the Department of Community Affairs.
- Send ordinance to Planning Board for consistency review.
- Second reading of rehabilitation plan (ordinance).
- Enter into a developers agreement.
Steps to Rehabilitation:

- Authorize planner to prepare planning report.
- Report concludes that site meets requirement.
- Council Adopts report deeming site(s) area in need of rehabilitation.
- Refer Determination to Planning Board for Review.
- Authorize planner to prepare rehabilitation plan.
- First reading of rehabilitation plan (ordinance).
- File rehabilitation plan with the Department of Community Affairs.
- Send ordinance to Planning Board for consistency review.
- Second reading of rehabilitation plan (ordinance).
- Enter into a developers agreement.
Steps to Rehabilitation:

- Authorize planner to prepare planning report.
- Report concludes that site meets requirement.
- Council Adopts report deeming site(s) area in need of rehabilitation.
- Refer Determination to Planning Board for Review.
- Authorize planner to prepare rehabilitation plan.
- First reading of rehabilitation plan (ordinance).
- File rehabilitation plan with the Department of Community Affairs.
- Send ordinance to Planning Board for consistency review.
- Second reading of rehabilitation plan (ordinance).
- Enter into a developers agreement.
Steps to Rehabilitation:

- Authorize planner to prepare planning report.
- Report concludes that site meets requirement.
- Council Adopts report deeming site(s) area in need of rehabilitation.
- Refer Determination to Planning Board for Review.
- Authorize planner to prepare rehabilitation plan.
- First reading of rehabilitation plan (ordinance).
- File rehabilitation plan with the Department of Community Affairs.
- Send ordinance to Planning Board for consistency review.
- Second reading of rehabilitation plan (ordinance).
- Enter into a developers agreement.