The Meeting was called to order at 7:30 P.M. by Council President Gabel. The Salute to the Flag was recited. Deputy Municipal Clerk Danielle Lewis read the Notice of Compliance with the Open Public Meetings Act and noted that this is a non-smoking facility. The Deputy Clerk requested that all electronics be silenced at this time.

ROLL CALL:
Present: Murphy, Bule, Witte, Bergen, Lyden, Borowiec, President Gabel
Absent: None

ALSO IN ATTENDANCE: Thomas W. Andes, Mayor; Steven Ward, Administrator; Jason Kasler, P.P. AICP, Township Planner

OPEN PUBLIC PORTION
Ryan Gleason (Executive Director of Denville Downtown Business Improvement District (BID)) discussed potential B-1 zone amendments and provided comments on behalf of the BID’s Board of Directors, which comments are attached to the end of the minutes.

CLOSE PUBLIC PORTION

PRESENTATIONS/CEREMONIAL MATTERS
Area in Need of Redevelopment – East Main Street (Route 53 South) Station Village at Denville, LLC

Jason Kasler, Township Planner, reviewed his report entitled 2016 Township of Denville New Jersey Block 31207 Lots 11 through 18 Determination of Area in Need of Redevelopment and Redevelopment Plan, dated October 31, 2016, a copy of which may be found at the end of these minutes. He then briefly went over the criteria used to determine whether an area is in need of redevelopment and read the Master Plan recommendations for these properties. Mr. Kasler commented that the Department of Community Affairs (DCA) has already approved the Area in Need of Redevelopment designation.

Mr. Kasler discussed the proposed Station Village development, including the height of the buildings and accessory structures and the number of bedrooms proposed. He noted that the Township could take advantage of a redevelopment bonus towards affordable housing credits if the rental bonus cannot be used.

Mayor Andes explained that the applicant has been very agreeable to work with and has revised the façade of the building more than ten times. Administrator Ward added that they will ask the developer to commit to the most recently proposed exterior appearance.

Councilman Murphy said that the current proposal has been updated to include sidewalks along Route 53 and Station Road as well as a denser buffer between the property and the railroad tracks. He then asked what would happen if something changed concerning the status of the remaining lots that are not being redeveloped at this time. Mr. Kasler said that he would recommend retail units with apartment units above them if the three lots were under single ownership, as contemplated in the proposed ordinance.

Mr. Murphy said there has been significant discussion about changing the intersection of Station Road and Route 53 and stated his concerns, especially as they relate to school bus traffic. Administrator Ward said that
the Township Engineer advised that New Jersey Department of Transportation (NJDOT) would determine what changes need to be made at this intersection, if any.

Councilman Murphy asked when property owners within 200-feet of the proposed development would be noticed, to which Administrator Ward responded that he believes property owners would be noticed about the Planning Board hearing but that he would have to check with Township Attorney Jansen about notification of the ordinance change.

President Gabel asked if the ordinance would be written so that the developer would not need any variance relief from the Planning Board and Mr. Kasler answered that this application should be variance-free.

**Potential B-1 Zone Amendments – Businesses Permitted on 1st and 2nd Floors**

Administrator Ward explained that Jason Kasler was asked to draft an ordinance which would restrict the types of businesses allowed to be located on the first floor of the B-1 zone. The draft ordinance can be found at the end of these minutes. He then explained the impetus for the proposed changes, pointing out a difference between retail services and retail sales.

Township Planner Kasler said that “Retail Services” is not defined in the current ordinances and recommended that a new ordinance include a definition which addresses the difference between what is considered retail services and what would be considered to be retail sales. He suggested that an ordinance specifically list what businesses are/are not allowed on the first and second floors.

Administrator Ward said the drafted ordinance attempts to clarify the difference between first floor units and ground floor units. He advised that the Township Attorney recommended that proposed B-1 zone changes not address marijuana sales until relevant State legislation has been passed.

President Gabel asked if any language needs to be included in the proposed ordinance regarding the regulation of parking, to which Mr. Kasler recommended that could potentially be added.

Councilman Murphy commented that the BID would like to see Broadway as all retail establishments and asked if the existing non-retail establishments, such as gas stations, dentist’s office, etc., would be “grandfathered”, to which Mr. Kasler responded yes. Mr. Kasler explained there is a possibility of separating the B-1 zone so that different businesses could be located on the first floor depending upon where they are located downtown.

Councilman Buie commented that any ordinance should consider parking as well as regulating the types of businesses.

Councilman Murphy stated that it was his recollection that approximately 8-10 years ago there was an amendment to an ordinance which prohibited exercise and/or dance studios from being located on the second floor.

Councilman Bergen suggested that the BID conduct a survey to figure out the parking trends in the center of town. He asked if an ordinance could allow for existing retail service businesses to be able to move within the zone without any consequences? Mr. Kasler explained that any existing business would be “grandfathered” at their current location but if they were to move in order to secure more space they would most likely either have to submit an application to the Zoning Board of Adjustment or relocate to the second floor, but he agreed to research this further.
Councilwoman Lyden asked if it was possible to create 10 or 15-minute parking spots downtown, to which Mr. Kasler explained that other towns have “express parking”, but that it would be a topic for Administration to explore. She then asked BID Director Gleason if the BID has a marketing plan to attract more businesses to move to Denville and if so, has it been implemented. He said that they are working with the Morris County Economic Development Corporation and they plan on developing an aggressive business attraction plan which would be initiated in coming years. Mr. Gleason said the BID would like to see a variety of different types of businesses in Denville.

President Gabel stated he agreed with the Council members comments and stated that he would not like to have overregulation of the zone. He will keep in mind the suggestion of a sub-committee for this ordinance.

Mayor Andes said the Township does not want to hinder any businesses moving to Denville.

*Muriel Hepner Park Pedestrian Bridge Replacement – Bids and Proposed Direction of Project*

Administrator Ward distributed and reviewed a memo concerning the Muriel Hepner Pedestrian Bridge Replacement project which included the Muriel Hepner Park Bridge Concept, both of which are attached to the end of these minutes. He explained that the Township was awarded a grant of approximately $49,500 to use towards the replacement of the bridge. Mr. Ward said the original drawings included a stone bridge with stone columns but there were concerns about American with Disabilities Act (ADA) compliance as well as whether it would be permitted by the New Jersey Department of Environmental Protection (NJDEP). He explained that this project had gone to bid two times and both times the bids came in over budget. He stated that the Township also requested a quote from the Middlesex County Co-Op. He explained the deadline to use the grant funds is August 31, 2018 so the Township is requesting permission to present a capital ordinance to fully fund this project out of the Open Space Trust Fund.

Mayor Andes explained the proposed pedestrian bridge is aesthetically pleasing, while being ADA-compliant. He stated they would like to begin construction within six months.

Councilman Murphy asked if CMS Construction would be willing to lower their cost estimate for the alternate pillars, to which Mr. Ward responded that they would ask.

Councilman Buie asked what material the bridge is made of, to which Administrator Ward answered that it would be constructed with Trex.

Councilwoman Lyden asked for confirmation that the center two stone pillars shown in the concept plan are for aesthetic purposes and don’t support the bridge, to which the answer was yes.

President Gabel stated that he thinks that this project will be a good use of funding and expressed his belief that a new bridge will enhance the site.

Administrator Ward advised that if there is no objection from the Council, a capital ordinance could be placed on an upcoming agenda for this project.

The Council went into Executive Session at 8:52 P.M. upon approval of the following Resolution.

**R-18-16: Resolution Authorizing Executive Session to Discuss Collective Bargaining Negotiations**

**MOTION TO APPROVE R-18-16:**

MOVED BY MEMBER BUIE, SECONDED BY MEMBER WITTE

AYES: BUIE, WITTE, MURPHY, BERGEN, LYDEN, BOROWIEC, PRESIDENT GABEL
Township Council
01-09-2018

The Council came out of Executive Session at 10:04 P.M.

MOTION TO ADJOURN
MOVED BY MEMBER WITTE, SECONDED BY MEMBER BUIE
AYES: UNANIMOUS
NAYS: NONE

The Meeting adjourned at 10:04 P.M.

Danielle Lewis
Deputy Municipal Clerk
Good evening,

My name is Ryan Gleason and I am the Executive Director of Denville's Downtown Business Improvement District.

I rise today to discuss the possible amendments to the B-1 Central Business Zone set on tonight's agenda, and to provide comment on behalf of our now fully seated Board of Directors.

Late last year, some members of the BID reached out to the Administration with concerns regarding recent business additions to the downtown that were seen as “fuzzy” as it relates to the B-1 zone’s permitted uses. Businesses such as dance studios, tutoring facilities, karate dojos, and others, some felt, did not meet the standard of “businesses of a retail sales and service type” on the first floor as outlined in the land use ordinance as a permitted use downtown.

In response to this issue being raised, the Administration responded quickly with proposed changes to the B-1 zone that are on tonight’s agenda for discussion and input. I must say with full sincerity that the BID truly appreciates the administration’s responsiveness to our concerns, and their willingness to work with us to address issues that business and property owners feel are of great importance to the future success of Denville’s downtown. I’d like to personally thank Business Administrator Ward and Mayor Andes for their attention to this issue and commitment to helping Denville’s downtown grow and prosper.

With that being said, the BID would like to recommend a number of things for the council to consider, and begin a dialogue with you that can help guide our downtown to new heights.

First, while the BID is concerned about the business mix downtown, we would like to request that this process be slowed down, in order that we might be able to study the potential impact these or any other changes might have in the district. Additional time would also allow for us to poll our full membership with regard to these changes, so that we might be able to better represent their interests before the Council. As the BID sets out in 2018 to draft a 3, 5, and 10 year strategic plan for downtown, we want to ensure that any new limitations or changes to the B-1 zone don’t “box us in” and prohibit businesses from opening that may be desirable in the near future.

Second, after receiving some guidance from a zoning expert, and in keeping with similar situations occurring in towns across the State with newly or well-established BIDs, we would like to recommend...
that the Council consider forming an Ordinance Sub-Committee made up of various township stakeholders, including the BID, that can work on this issue and ensure that any potential changes are made with an eye towards the future and what's best for our burgeoning downtown. There is a precedence for this in municipalities that have gone on to do great and wonderful things with their downtown districts, and it ensures an inclusiveness in the decision-making process that helps elicit buy-in and excitement in the community.

Finally, it is the BID’s position, as a representative of business and property owners, to discourage the imposition of further regulations and prohibitions that may slow business growth or attraction. We understand however, the need and desire to properly vet incoming businesses, and to constantly re-examine the permitted uses within a given zone. Following a precedent established in other BID towns, we would also like to recommend that the town consider including the BID, and potentially others, in the tenant / business review process, just as the Police Department reviews traffic issues, the Environmental Committee reviews Land Use issues, and other committees have input into township application processes. This would allow the BID to formally comment on any new business / usage applications received by the town. Ultimately it is up to the township to determine whether or not a certain business is acceptable in a particular zone, and the BID would not and will never presume to have any final say in these determinations. An ability to comment however, might raise formerly unknown issues and concerns, and provide insight that can help the town in making its determination.

It is our firm belief that the work we are setting out to do to in the BID to market downtown Denville as a must-visit destination, to nurture business and developer relationships, and to aggressively pursue new business opportunities will allow downtown property owners their choice of prime tenants, guided by our strategic plan, without the need to revise the B-1 zone. Until then, the BID would like to be a trusted partner and resource with regards to the management of our great downtown, and we hope that you consider some, if not all of these recommendations.

Thank you for your time and consideration, and I look forward to working with you to make our downtown one, if not the best, in all of New Jersey.
MURIEL HEPNER BRIDGE REPLACEMENT PROJECT

PROJECT BUDGET:

1. $49,500 – Morris County Parks Commission Trail Grant Program (2016)
2. $50,000 – Township Capital Appropriation (2017)

TOTAL FUNDING CURRENTLY AVAILABLE: $99,500

PUBLIC BID #1 RESULTS (October 11, 2017):

1. V&K Construction - $213,000 + $40,000 (Alt. Center Pillars) = $253,000
2. CMS Construction - $302,400 + $38,000 (Alt. Center Pillars) = $340,400
3. T.R. Wieneger Inc.- $337,900 + $88,000 (Alt. Center Pillars) = $425,900
   + 1 other bidder

PUBLIC RE-BID #2 (December 14, 2017):

1. CMS Construction - $187,900
2. Cypreco Industries - $189,212
3. Cinelly Group Corp - $199,995
   + 4 other bidders

(Alternate Bid of Center Pillars removed from re-bid. The thought was that we could sometime in the future hire a local mason to install the center pillars if we desired within the period of our NJDEP permit validity)

PROJECT SHORTFALL: $88,400

(Propose Funding Shortfall thru Denville’s Open Space Trust Fund via Ordinance)