TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
REGULAR MEETING

May 16, 2017

The Meeting was called to order at 7:31 P.M. by Council President Golinski. The Salute to the Flag was recited, followed by an Invocation by Councilman Gabel. Municipal Clerk Kathryn Bowditch-Leon read the Notice of Compliance with the Open Public Meetings Act and noted that this is a non-smoking facility. The Clerk requested that all electronics be silenced at this time.

ROLL CALL:
Present: Gabel, Witte, Kuser, Murphy, Lyden, Fitzpatrick, President Golinski
Absent: None

ALSO IN ATTENDANCE: Thomas W. Andes, Mayor; Steven Ward, Administrator; John Jansen, Township Attorney

PRESENTATIONS/CEREMONIAL MATTERS
American Cancer Society, Relay for Life of Central Morris County – Karen DeChristopher, Event Co-Chair

Karen DeChristopher, a three-time cancer survivor who has been involved with Relay for Life for over 22 years, presented the Mayor and the Council with a plaque honoring their continued support of Relay for Life. Ms. DeChristopher commented that Relay for Life of Central Morris County enjoys having the Council Cruisers, with Councilman Gabel as their captain, at the walk every year and that they are looking forward to this year’s walk on June 10, 2017 at Veterans Memorial Park in Parsippany.

Public Comment on the Township of Denville Downtown Business Improvement District Special Assessments

OPEN PUBLIC COMMENT
No one wished to be heard.
CLOSE PUBLIC COMMENT

R-17-103: Resolution Approving the Assessment Roll of Township of Denville Downtown Business Improvement District

MOTION TO APPROVE R-17-103:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, GABEL, KUSER, FITZPATRICK, PRESIDENT GOLINSKI
ABSTAIN: MURPHY

LIAISON REPORTS
Councilman Murphy shared that the Green Sustainability Committee continues to work on the completion and submission of the Sustainable Jersey application for Silver Certification. He stated that 350 points are required for certification and they currently have 580 points, so they are confident that the application will be successful. Councilman Fitzpatrick stated that, due to inclement weather, the Annual Rockaway River Clean-Up originally scheduled for Saturday, May 13 was postponed to Saturday, May 20 from 9:00 A.M. to 3:00 P.M. He advised that the Council Subcommittee met last week to discuss the proposed Station Village development on Route 53 and had voiced their concerns as they pertain to the traffic and the railroad crossing. Mr. Fitzpatrick noted that under current zoning laws, the developers of the Station Village (Redmond Press) property would be able to build an indoor sports center, which would generate a lot of traffic. Councilman Murphy described an indoor sports park as a place where as many as four (4) teams could be playing games at the same time.
Councilwoman Lyden said that the April 23, 2017 Senior Social had approximately 80 people in attendance and was very successful. She advised that the Mayor’s Paths & Trails Committee would meet tomorrow at 7:00 P.M. in Town Hall. Mrs. Lyden said that she attended the Denville Public Library Board meeting and that all of the children’s programs and activities are up and running and with that, the Library’s attendance has also increased.

Councilman Gabel shared that he attended the Beautification Committee meeting last week as well as assisting with planting and shoveling mulch at spots around town. Mr. Gabel advised that he attended both the Environmental Commission and the Planning Board meetings last week. Mr. Gabel also reminded everyone about the Council Cruisers’ participating at the Relay for Life on June 10, 2017 and said any support or participation would be welcomed. He stated the Denville Good Scout Award Dinner would be held on June 1, 2017 to honor six Township residents and that he hopes the Council Members would be able to attend.

Councilwoman Witte announced that the Rockaway River Watershed Committee would meet tomorrow at 4:30 P.M. and the next meeting of the Deer Management Committee would be in August.

Councilman Kuser advised that he attended the Denville Historical Society meeting and was selected to be a member of the Board. He said they are in the process of retaining an architect to begin the design of the Two-Room Schoolhouse.

President Golinski had nothing to report.

MAYOR’S REPORT
Mayor Andes noted the next Senior Social would be on Sunday, May 20, 2017 and the Denville Historical Society yard sale would be this weekend. He reminded everyone that the Harlem Wizards basketball game would be held this Friday, May 19, 2017 at Morris Knolls High School and all proceeds would benefit Project Playground 2.0. Mayor Andes said the Memorial Day Parade will take place on Memorial Day at 10:00 A.M. and the Rotary Street Festival is scheduled for Sunday, June 4, 2017. He also commented that the Denville Police Trading Card Program kick-off event, sponsored by Denville Rotary, was held this evening at Gardner Field and he thanked all who sponsored the Police Department and the event. He shared that the hanging baskets for the downtown area should arrive this week and that the replacement light poles for downtown have been shipped and will arrive soon.

ADMINISTRATOR’S REPORT
Administrator Ward said that he coordinated a meeting with the Federal Railroad Administration (FRA), New Jersey Transit (NJT) and the New Jersey Department of Transportation (NJDOT) for the end of May to discuss the possibility of a quiet zone designation at the Station Road railroad crossing and the potential costs involved. He provided an update on the Soussa and LaPlatte properties which are about to be acquired by the Township, stating that the properties are in the final approval stages and the closings have been scheduled. He said that there was a minor addendum to the Municipal Building renovation bid and the date of the bid opening had been extended to Thursday, May 25, 2017 at 11:00 A.M.

CORRESPONDENCE
All correspondence has been copied and distributed to the Council.

NOTICE OF ADJOURNMENT - Person to Person Transfer of Liquor License 1408-33-008-010 to the June 13, 2017 Municipal Council Meeting. Attorney Jansen asked if anyone was here regarding the transfer. No one responded.

OPEN PUBLIC PORTION
Jon Meyers (28 Freeman Avenue) expressed his concern about the residential complex being proposed at Station Road and Route 53. Mr. Meyers asked why the affordable housing requirement needs to be fulfilled through new construction as opposed to providing incentives to existing apartment complexes or to utilizing rent controls.
Township Attorney John Jansen said there is a mechanism in place that allows for the conversion of homes, usually single-family homes, to affordable units whereby the municipality buys the property and resells it as affordable housing with a 30-year deed restriction on the property that allows for it to be sold or rented only to people who qualify for affordable housing.

Administrator Ward said that as part of the Township’s matrix submitted to the court, there is a component that allows for the rehabilitation of existing residences, whose owners qualify as low or moderate-income, as a way to fulfill part of the Township’s affordable housing obligation. He stated that the Township maintains an Affordable Housing Trust fund which is funded by any construction done within the Township and is used to assist in developing affordable housing, one component of which is rehabilitation. He confirmed that there are limits as to how much of any type or category of housing can be used towards fulfilling the Township’s obligation.

Councilman Fitzpatrick expressed his opinion that a big challenge with rehabilitation or conversion of existing properties is obtaining interest from the owners of the properties.

Nancy Imhoff (29 Station Road and 22 Estling Lake Road) asked for a definition of affordable housing and what is meant by affordable housing credits as mentioned by Administrator Ward. She also asked who proposed the development on Route 53.

President Golinski stated that at a recent Council Workshop an affordable housing presentation was given by the Township’s Planning Board Attorney. Mr. Golinski summarized that the concept behind affordable housing is that all municipalities must provide housing opportunities for people of all income levels. He commented that the Township has successfully integrated affordable housing at several locations throughout the municipality.

Ms. Imhoff then asked what is Denville’s current ratio of affordable housing to market rate housing, to which President Golinski responded that there isn’t a ratio, but the Township does need to keep track of how many affordable housing units exist and how many they are obligated to provide in the future.

Ms. Imhoff then asked if there is currently affordable housing in Denville, to which President Golinski responded that the Township has a considerable amount of affordable housing located throughout the town; i.e. behind St. Clare’s Hospital, by the Post Office, at Estling Village, on Hussa Place, at Cook’s Pond Senior Housing and on Peer Place. Ms. Imhoff then asked if Denville is still required to provide more affordable housing, to which President Golinski explained that it is contended in court that Denville is still responsible for providing between 300 and 1,300 units.

Township Attorney Jansen explained that the Township initiated that litigation, which seeks a declaratory judgment that Denville’s affordable housing obligation has been met.

Mayor Andes stated that the audio of the Council Workshop where this topic was discussed is available on the Township’s website.

Councilman Kuser stated that currently there are just over 6,000 homes and approximately 300 affordable units in Denville. He then explained that in order to build 1,300 new affordable housing units, the Township would have to double the number of homes that currently exist.

James Arnett (17 Station Road) asked if either the developer or the Township is vested in the property at Route 53 and Station Rd. President Golinski confirmed the Township does not own that property. Mr. Arnett questioned the building permitting process for a large development to which President Golinski stated that the construction would have to meet today’s building standards. Mr. Arnett then asked about the litigation, to which Mayor Andes responded that the developer of this property is not an intervenor and is not in litigation with the Township.
Township Attorney Jansen explained that Denville is the plaintiff in the litigation and is requesting a declaratory judgment from the court that we have met our obligation. He then gave a brief explanation of the reasons why the Township filed this action. He further explained that the 1,300-unit future obligation was determined by Fair Share Housing Center’s (FSHC) experts and that the Township’s experts do not agree with that number. He stated that the obligation to provide affordable housing is statewide and affects many municipalities.

President Golinski added that the Township will be required to provide some amount of affordable housing and therefore is acting in good faith to provide opportunities for that housing.

Councilwoman Witte stated that police and fire protection, school systems and water/sewer supply were not taken into account by the FSHC when their experts determined the obligation.

Mayor Andes gave a brief recap of the declaratory judgment action, stating the reasons why it was initiated. He confirmed that past administrations have made significant efforts towards providing affordable housing in Denville. He then explained that there are currently three intervenors in the Denville action, and that the developer of the Route 53 property is not one of them. He confirmed that something will be built at the Route 53/Station Road property which will cause traffic issues. He explained that the proposed development of 57 units near Station Road, including both market and affordable units, as well as two other proposed developments – 118 proposed units near Morris Knolls High School and 65 proposed units on Casterline Rd - are currently part of the Township’s plan to fulfill its affordable housing obligation.

Administrator Ward noted that this proposed 57-unit development would provide nine (9) affordable housing rental units, which based on current affordable housing rules, would give the Township 18 credits towards its obligation.

Mayor Andes stated in frustration that the outcome of this litigation may not be known for a number of months, but the judge is making the Township go forward as if the number has been determined. He explained that this means changing our zoning ordinances to allow for certain development. He then confirmed that the 2000 Master Plan provided for the clean-up of the Route 53 corridor, of which this property is part.

Nick Nicoletta (55 Memory Lane) asked if the developer of the property at Route 53 and Station Road would get a tax break from the Township. Mayor Andes responded that the developer has not asked for a tax break but if they were to ask, the Council would have to consider the request.

Bob Grant (114 Ridgewood Parkway East) stated that he feels a tax break for the developer would be wrong and questioned whether the developer would also receive federal tax credits for building affordable housing units. He expressed his concern that the proposed project on Route 53 and Station Road is part of a plan filed with the court for approval and therefore that denial is not really an option. Mr. Grant voiced his concerns about the words “court order” which has been used throughout this process. He believed that the citizens of Denville need to be more aware of the process that the Township is going through. There was a discussion about the vast difference in the number of units being proposed by the Township in the declaratory judgment action and the numbers being proposed by the intervenors.

President Golinski agreed with Mr. Grant that the public should be involved and stated that the Township had reached out to the public via different mediums in order to get them involved. He once again told everyone that the minutes and audio recording of the April 11, 2017 Council Workshop, at which the Township Planning Board Attorney Edward Buzak provided an overview and update on affordable housing, may be found on the Township’s website. Mr. Golinski encouraged the public to continue to attend the Township Council and Planning Board meetings to gain information and provide feedback.
Councilman Kuser commented that the public should not obtain information from social media as there is a lot of erroneous and incomplete information out there. Mr. Kuser asked that anyone from the public who has questions please attend a meeting and/or pose their questions to the Council or Administrator Ward.

Betty Abbracciamento (102 Riverside Drive) said she is concerned about how a development of this magnitude would impact Denville’s existing residents and how the Township would be able to effectively address all of the issues created by this development, i.e. schools, taxes, etc.

Mayor Andes stated that these types of projects are unlikely to generate many school-aged children. He stated that the proposal is for 60% of the units to be 1-bedroom and 40% to be 2-bedroom units and they would mainly be attractive to commuters using the train. He stated that this developer would not be selling the property and would become a taxpayer in the community.

Ms. Abbracciamento asked if the developer would contribute towards the additional infrastructure that would be needed to build the development and if not, who would be responsible for that payment.

Councilman Kuser stated that the developer would pay for the on-site infrastructure and each unit would be charged a connection fee. Administrator Ward then confirmed that each unit would also pay for their sewer and water, as would any other resident in Denville.

Ms. Abbracciamento expressed her belief that in addition to the water and sewer, other public improvements would be necessary such as traffic lights and roadways. She also voiced her concerns about the protection of the environment of the municipality.

Wannetta Phillips (310 Dalton Court) shared that she would like to get a better understanding of this project and asked how she can spread the word to help inform the community of the facts surrounding this project.

President Golinski replied that in addition to listening to the audio and reviewing the minutes from the April 11, 2017 meeting, people should continue to attend future Council and Planning Board meetings. He also suggested, for those who are exasperated with this situation, that they lobby their State representatives.

Addie Colon (Area Manager for JCP&L) explained that she represents 20 towns and assists them with their utility needs, including infrastructure for new projects. Councilman Fitzpatrick thanked Ms. Colon for her efforts in the Township.

Phyllis Hartmann (58 Lackawanna Avenue) said that she and her husband have attended prior meetings, including the April 11, 2017 Workshop, in order to be better informed about this process. She said she has small children and has a lot of concerns about the project’s potential impact on her quality of life, including noise, privacy, and lighting as well as concerns about the safety of her family and the increased traffic on both Station Road and Route 53. She would like to see a park or small shopping area built on this property instead of the proposed development.

CLOSE PUBLIC PORTION

Councilman Murphy stated that he is also concerned with the traffic flow at Station Road and Route 53 and added that the NJDOT is looking into that. He confirmed that there are ordinances in place regarding lighting and he would be asking the developer for a landscaping plan to address some of Ms. Hartmann’s concerns. He stated that the Council Subcommittee had asked for some changes to the preliminary proposal and the developer will be coming back with changes. He also advised that a traffic study by a neutral party would be solicited.
Councilman Fitzpatrick encouraged the public to follow the Mercer County Superior Court Affordable Housing trial. Mr. Fitzpatrick also stated that he had posted 10 summary points from the April 11, 2017 Workshop on his website (www.councilmanfitzpatrick.com) in an effort to assist the public’s understanding.

Mayor Andes said that Administration has had correspondence with NJT and the NJDOT regarding the closing of the Lackawanna Avenue railroad crossing. He confirmed that the Township vehemently opposes that closing. He then stated that the Township does plan to hire an independent engineering company to conduct a traffic study at Route 53 and Station Road, which will be paid with escrow funds. He confirmed that this study will be done prior to end of the school year.

President Golinski opined that traffic is a concern along Route 53 but he stated that the owners of the property have the right to use it in a lawful manner. He noted that any type of business or building constructed at this location would likely bring additional traffic. He expressed his belief that the Township has done a great job implementing affordable housing throughout the municipality as well as improving health and safety within the Township. Mr. Golinski urged the public to continue to attend Township meetings and stay involved during the long journey ahead.

MATTERS OF OLD AND/OR NEW BUSINESS
None

ORDINANCES FOR ADOPTION
09-17
BE IT RESOLVED that an Ordinance entitled:
An Ordinance Appropriating $155,000 for Renovations to the Denville Municipal Building with Said Funding Being Provided by the Denville Township Board of Education

Be Read by Title on Second Reading and a Hearing Held Thereon:

MOTION TO READ BY TITLE:
MOVED BY MEMBER KUSER, SECONDED BY MEMBER GABEL
AYES: KUSER, GABEL, WITTE, LYDEN, FITZPATRICK, MURPHY, PRESIDENT GOLINSKI

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

BE IT RESOLVED that an Ordinance entitled:

An Ordinance Appropriating $155,000 for Renovations to the Denville Municipal Building with Said Funding Being Provided by the Denville Township Board of Education

Be passed on Final Reading and that a Notice of Final Passage be published in the 05/24/2017 edition of The Citizen newspaper.

MOTION TO ADOPT:
MOVED BY MEMBER MURPHY, SECONDED BY MEMBER GABEL
AYES: MURPHY, GABEL, WITTE, KUSER, LYDEN, FITZPATRICK, PRESIDENT GOLINSKI
ORDINANCES FOR INTRODUCTION
11-17

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, Authorizing Acceptance of a Deed of Easement for the Property Located at 3 Tulip Lane, Known as Block 10901, Lot 15.01

Be Introduced and Read by Title on First Reading:

MOTION TO READ BY TITLE:

MOVED BY MEMBER LYDEN, SECONDED BY MEMBER FITZPATRICK
AYES: LYDEN, FITZPATRICK, GABEL, WITTE, KUSER, MURPHY, PRESIDENT GOLINSKI

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, Authorizing Acceptance of a Deed of Easement for the Property Located at 3 Tulip Lane, Known as Block 10901, Lot 15.01

Be Passed on First Reading

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at a meeting of the Municipal Council of the Township of Denville on 06-13-2017 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 newspaper according to law.

MOTION TO PASS ON FIRST READING:

MOVED BY MEMBER WITTE, SECONDED BY MEMBER LYDEN
AYES: WITTE, LYDEN, GABEL, KUSER, FITZPATRICK, MURPHY, PRESIDENT GOLINSKI

ITEMS FOR DISCUSSION AND/OR ACTION
None

CONSENT AGENDA

R-17-124: Resolution Authorizing the Issuance of Social Affair Permits by the State of New Jersey Division of Alcoholic Beverage Control
R-17-125: Resolution Authorizing Raffle Licenses in the Township of Denville
R-17-126: Resolution Authorizing Refunds of COAH Development Fees
R-17-127: Resolution Authorizing a Refund of a Building Permit Fee

President Golinski asked if anyone from the public or from the Council would like to have any resolutions removed from the Consent Agenda. No one responded.

MOTION TO APPROVE CONSENT AGENDA:

MOVED BY MEMBER GABEL, SECONDED BY MEMBER KUSER
AYES: GABEL, KUSER, WITTE, LYDEN, FITZPATRICK, MURPHY, PRESIDENT GOLINSKI
Township Council
05-16-2017

NON-CONSENT AGENDA
R-17-128: Resolution Authorizing the Township of Denville to Enter into an Agreement with Morris County Which Establishes a Cooperative Means of Conducting Certain Community Development and H.O.M.E. Activities Programs

MOTION TO APPROVE R-17-128:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: LYDEN, WITTE, GABEL, KUSER, FITZPATRICK, MURPHY, PRESIDENT GOLINSKI

MINUTES FOR ADOPTION
April 18, 2017        May 2, 2017

MOVED BY MEMBER KUSER, SECONDED BY MEMBER GABEL
AYES: KUSER, GABEL, WITTE, LYDEN (for 04/18/17 only), FITZPATRICK, MURPHY, PRESIDENT GOLINSKI (for 05/02/17 only)
ABSTAIN: PRESIDENT GOLINSKI for 04/18/17
LYDEN FOR 05/02/17

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

The Meeting adjourned at 9:09 P.M.

Kathryn Bowditch-Leon
Municipal Clerk