

JANUARY 5, 2011 MINUTES

A reorganization and regular meeting of Planning Board of the Township of Roxbury was held on January 5, 2011, at 7:30 p.m. in the Municipal Building at 1715 Rt. 46, Ledgewood, N.J. There was a Salute to the Flag.

Mrs. Wiss announced the Board appointments for 2011. Larry Sweeney, Class IV Member through December 31, 2014; Andre Verge, Class II Member through December 31, 2011; Richard Zoschak, Class III Member through December 31, 2011; Jim Rilee, Class I Member through December 31, 2011; Tom Carey, Alternate #1 through December 2012. All appointed Board members present were sworn in.

PRESENT: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer.

ABSENT: Mr. Bautz and Mr. Verge

STAFF: Mr. Ferriero, Mr. Germinario, Mr. Stern and Mrs. Wiss

REORGANIZATION:

Mrs. Wiss asked for nominations for Chairperson

Mr. Zoschak nominated Scott Meyer as Chairman. Mrs. Lutz seconded. There were no further nominations.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

Mr. Meyer assumed the Chair and read the "Open Public Meetings Act". Mr. Meyer asked for nominations for Vice Chairman.

Mr. Rilee nominated Larry Sweeney as Vice Chairman. Mr. Shadiack seconded. There were no further nominations.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

RESOLUTIONS:

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF ROXBURY
AUTHORIZING THE AWARD OF A
CONTRACT FOR PROFESSIONAL SERVICES TO
THOMAS J. GERMINARIO, ESQ.**

WHEREAS, the Planning Board of the Township of Roxbury (the "Board") has a need to retain the services of a Planning Board Attorney to provide legal counsel to the Board for calendar year 2011 (the "Legal Services"); and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-24, authorizes the Board to contract for the services of and fix the compensation of its legal counsel, subject to the appropriation of funds by the governing body; and

WHEREAS, the Board has determined to award this contract as a professional service without obtaining competitive bids pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, requires that the resolution authorizing the award of contracts for professional services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Thomas J. Germinario, Esq., has submitted a proposal indicating that he will provide the Legal Services at \$140.00 per hour for attorney time, \$70.00 per hour for paralegal time, and \$30.00 per hour for secretarial time; and

WHEREAS, the Chief Financial Officer of the Township of Roxbury has certified that the funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Roxbury, that Thomas J. Germinario, Esq. is appointed as Planning Board Attorney for calendar year 2011, and the Planning Board Chairman is authorized to enter into a contract with Thomas J. Germinario, Esq. to perform the Legal Services in accordance with the terms and conditions set forth in the attached agreement; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the Township's official newspaper as required by law, and this Resolution shall take effect immediately.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Planning Board of the Township of Roxbury memorializing the action taken by the Board at its Reorganization Meeting of January 5, 2011.

Motioned to approve with a correction was made by Mr. Rilee, seconded by Mr. Zoschak. The rate had not changed.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

Mr. Meyer asked for nominations for Board Secretary.

Mr. Zoschak nominated Eugenia Wiss as Secretary. Mr. Rilee seconded. There were no further nominations.

**RESOLUTION AUTHORIZING THE APPOINTMENT OF
EUGENIA WISS AS SECRETARY TO THE PLANNING BOARD**

WHEREAS, there exists a need for the appointment of a Secretary by the Planning Board of the Township of Roxbury, and

WHEREAS, Section 40:55D-1b, Article 9 of the Municipal Land Use Law states that the Planning Board may employ, or contract for and fix the compensation of experts, and other staff and services as it may deem necessary; and

WHEREAS, the Board wishes to retain Eugenia Wiss as a Secretary to the Planning Board,

NOW, THEREFORE, BE IT RESOLVED Eugenia Wiss is appointed Secretary to the Planning Board of the Township of Roxbury and this Resolution shall take effect immediately

The undersigned does hereby certify the foregoing is a true copy of the Resolution of the Roxbury Township Planning Board memorializing the action taken by the Board at its Reorganization meeting of January 5, 2011.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF ROXBURY
AUTHORIZING THE AWARD OF A
CONTRACT FOR PROFESSIONAL SERVICES TO
PAUL FERRIERO, P.E. & P.P. OF
FERRIERO ENGINEERING, INC.**

WHEREAS, the Planning Board of the Township of Roxbury (the "Board") has a need to retain the services of a Planning Board Engineer to provide engineering services to the Board for calendar year 2011 (the "Engineering Services"); and

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-24, authorizes the Board to contract for the services of and fix the compensation of its engineering services, subject to the appropriation of funds by the governing body; and

WHEREAS, the Board has determined to award this contract as a professional service without obtaining competitive bids pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, requires that the resolution authorizing the award of contracts for professional services without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Paul Ferriero, PE & PP of Ferriero Engineering, Inc., has submitted a proposal indicating that he will provide the Engineering Services according to the attached contract; and

WHEREAS, the Chief Financial Officer of the Township of Roxbury has certified that the funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Roxbury, that Paul Ferriero, PE and PP is appointed as Planning Board Engineer for calendar year 2011, and the Planning Board Chairman is authorized to enter into a contract with Paul Ferriero of Ferriero Engineering,

Inc. to perform the Engineering Services in accordance with the terms and conditions set forth in the attached service contract; and

BE IT FURTHER RESOLVED, that notice of this action shall be published once in the Township's official newspaper as required by law, and this Resolution shall take effect immediately.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Planning Board of the Township of Roxbury memorializing the action taken by the Board at its Reorganization Meeting of January 5, 2011.

Motioned to approve with a correction was made by Mr. Sweeney, seconded by Mrs. Lutz. The rate had not changed.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

**RESOLUTION OF THE TOWNSHIP OF ROXBURY,
COUNTY OF MORRIS, STATE OF NEW JERSEY,
UTILIZING MUNICIPAL PROFESSIONALS FOR THE REVIEW OF DEVELOPMENT
APPLICATIONS**

WHEREAS, the Planning Board of the Township of Roxbury has a need to utilize the services of professionals employed by Roxbury Township for the review of development applications pursuant to the provisions of N.J.S.A. 40:55D-53.2; and

WHEREAS, the following Roxbury Township professionals will be billed by the municipality to the applicant at the following rates in accordance with N.J.S.A. 40:55D-53.2:

Michael Kobylarz, PE, CME, - \$129.92 per hour

Planner Russell Stern, AICP, PP, LLA - \$110.82 per hour

Melanie Michetti, PE, - \$79.42 per hour

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Roxbury, in the County of Morris and State of New Jersey, that the above Township professionals are hereby authorized to review development applications and bill in accordance with N.J.S.A. 40:55D-53.2:

BE IT FURTHER RESOLVED a notice of this action shall be printed once in the legal newspaper of the Township of Roxbury as required by law.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Planning Board of the Township of Roxbury memorializing the action taken by the Board at its Reorganization Meeting of January 5, 2011.

Motioned by Councilman Zoschak and seconded by Mr. Sweeney to approve.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

RESOLUTION SELECTING A PUBLIC PLACE FOR POSTING NOTICES AND INDICATING
THREE PAPERS TO WHICH NOTICES ARE SENT

WHEREAS, the Planning Board of the township of Roxbury, Morris County, New Jersey, is required to select a public place for the posting of notices of all regular and special meetings; and

WHEREAS, said board must provide notice of all regular and special meetings to at least one (1) newspaper, which must be the official municipal newspaper.

NOW, BE IT RESOLVED, that the Public place for the posting of notice of all regular and special meetings of the said Board be the bulletin board located within the Municipal Building of this municipality located at 1715 Rt. 46, Ledgewood, New Jersey; and

BE IT RESOLVED that all notices of the meetings of this Board be furnished to the following newspapers, one of which will be the official newspaper as designated by the Township Council.

Daily Record
Star Ledger
Roxbury Register

Motioned by Councilman Zoschak and seconded by Mr. Rilee to approve.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

RESOLUTION
"NOTICE OF MEETINGS" FEE

WHEREAS, N.J.S.A. 10:4-6 et. Seq. known as the "Open Public Meetings Act" provides for the fixing of a reasonable charge to be paid by any person requesting notification of meetings of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Roxbury that the sum of \$40.00 (forty dollars) is hereby fixed as the fee to be paid by any person requesting notice at its business office.

Motioned by Councilman Zoschak and seconded by Mrs. Lutz to approve.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

RESOLUTION
CONFLICT OF INTEREST

WHEREAS, the members of the Planning Board of the Township of Roxbury desire to provide the best possible service to the Township of Roxbury; and

WHEREAS, members of the Planning Board are expected to conduct themselves with respect to matters before the Board in such a manner as to avoid all possibility of a conflict between their private interests and their public duty.

NOW, THEREFORE, BE IT RESOLVED by the present and new members of the Planning Board of the Township of Roxbury that they will act in a manner to provide the best possible service to the Township of Roxbury and to avoid all conflicts between their private interests and their public duty and to that end have signed Certifications as to all properties that are owned by members of the Planning Board in Roxbury Township or in other communities which abut the Township of Roxbury and said Certifications will be open for public inspection at the Municipal Building during normal business hours.

Motioned by Mr. Sweeney and seconded by Mr. Rilee to approve.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

MINUTES: December 1, 2010

Motioned by Mr. Zoschak and seconded by Mrs. Lutz to approve.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

RESOLUTIONS:

PBA-10-003 E. J. PETERS CO. Block 9203, Lot 2 96 Route 206.

Final Site Plan Application

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Denied: December 1, 2010
Memorialized: January 5, 2011**

**IN THE MATTER OF E. J. PETERS CO.
FINAL SITE PLAN APPLICATION
BLOCK 9203, LOT 2
APPLICATION NO. PBA-10-003**

WHEREAS, E. J. Peters Co. (hereinafter known as the "Applicant") applied to the Roxbury Township Planning Board (hereinafter known as the "Planning Board") for final site plan approval on May 3, 2010; and

WHEREAS, the Applicant has failed to appear for a number of scheduled hearings and/or has failed to submit required information and/or plan revisions.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby deny the application without prejudice.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Planning Board at its regular meeting of 12/1/10.

Motioned by Mayor Rilee and seconded by Mr. Sweeney to approve.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

PBA-10-007 RALZONE DEVELOPMENT LLC. Block 4305, Lot 12 Carey Road
Amendment to Amended Preliminary Major Subdivision Approval

ROXBURY TOWNSHIP PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

Decided: December 1, 2010

Memorialized: January 5, 2011

**IN THE MATTER OF RALZONE DEVELOPMENT LLC
AMENDED PRELIMINARY MAJOR SUBDIVISION APPROVAL
BLOCK 4305, LOT 12
APPLICATION NO. PBA-10-008**

WHEREAS, Ralzone Development LLC (hereinafter the "Applicant") was granted amended preliminary major subdivision approval by the Roxbury Township Planning Board (hereinafter the "Board") on 9/15/10, by Resolution memorialized on 10/6/10; and

WHEREAS, Resolution Conditions 14 and 16 required completion of installation of evergreen plantings and installation and seeding of a swale this autumn; and

WHEREAS, Applicant has requested that the completion of the work required by Conditions 14 and 16 be deferred until weather conditions are more favorable; and

WHEREAS, the Board conducted a public hearing regarding Applicant's request on 12/1/10, and the Board has found that a delay in implementation of Resolution Conditions 14 and 16 is reasonable and appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve an amendment to the amended preliminary major subdivision approval Resolution to provide that Conditions 14 and 16 of the Resolution shall be satisfied prior to final subdivision approval for the project, or prior to any issuance of a Certificate of Occupancy, or prior to 6/1/11, whichever occurs first. All other terms and conditions of the approved Resolution shall remain in effect.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Roxbury Township Planning Board memorializing the action taken by the Board at its meeting of 12/1/10.

Motioned by Mr. Sweeney and seconded by Mr. DeFillippo with the caveat that the correct Resolution indicates the June 1, 2011 date to approve

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: Zoschak

MOTION APPROVED.

PBA-10-010 ROXBURY ENTERPRISES, LLC. Block 5002, Lot 3 10 Commerce Boulevard

Minor Subdivision and Preliminary Site Plan Application for bank and retail

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Decided: December 1, 2010
Memorialized: January 5, 2011**

**IN THE MATTER OF ROXBURY ENTERPRISES, LLC
PRELIMINARY MAJOR SITE PLAN AND MINOR SUBDIVISION APPROVAL
BLOCK 5002, LOT 3
APPLICATION NO. PBA-10-010**

WHEREAS, Roxbury Enterprises, LLC (hereinafter the "Applicant") applied to the Roxbury Township Planning Board (hereinafter the "Board") for preliminary major site plan and minor subdivision approval on 8/31/10; and

WHEREAS, the application was deemed complete by the Board, and public hearings were held on 11/3/10 and 12/1/10; and

WHEREAS, it has been determined that the Applicant has complied with all procedural requirements, rules and regulations of the Board, and that all required provisions of procedural compliance have been filed with the Board; and

WHEREAS, the Board makes the following findings and conclusions based upon the documents, testimony and other evidence comprising the hearing record:

1. The property which is the subject of the application consists of 7.36 acres (320,597 square feet) located on the northerly side of Commerce Boulevard, to the south of the Route 10/Commerce

Boulevard jughandle. The parcel is zoned B-2 Highway Business District. The southern portion of the property is developed with PC Richard and Sons. The northerly portion is occupied by Roxbury Chrysler Plymouth auto dealership, which has now been vacated. PC Richards was constructed as part of a July 26, 1995 Planning Board approval (memorialized August 23, 1995). With Commerce Boulevard serving as the east/west axis, Roxbury Mall, zoned B-3 Planning Shopping Center District, is located across Commerce Boulevard to the south. A two-story office building zoned OB Office Building District is situated to the west. To the north, adjoining the PC Richards portion of the property is the railroad and then Ledgewood Mall zoned B-3. To the west across from the Chrysler Plymouth dealership is Fran's Wicker Warehouse zoned B-2 Highway Business District. To the east, across from the Route 10/Commerce Boulevard South jughandle is the Hess gas station and convenience market.

2. The development of the subject property proposed by the Applicant comprises minor subdivision and major preliminary site plan approvals to subdivide PC Richards and Sons onto a 5.22 acre lot and create a new 2.14 acre parcel for the development of a 8,375 square feet retail building and a 3,241 square feet one-story Investors Savings Bank with three (3) drive-through lanes. The identity of the retail tenant is unknown at this time. The bank and retail building are permitted uses in the B-2 District. The new buildings will be serviced by 59 parking spaces (48 stalls required). Lot 38 will have a floor area ratio of 0.12 (0.20 permitted) and an impervious coverage of 60 (60% permitted). Public sewer and water from the Roxbury Water Company will service the site.

3. The proposed development of the subject property to which the Board's decision herein pertains is depicted and described in the following drawings and/or plans:

Prepared by Dynamic Engineering – dated 8/31/10,
Revised 9/27/10

- Sheet 1, Cover Sheet
- Sheet 2, Aerial Map
- Sheet 3, Area Plan
- Sheet 4, Subdivision/Overall Plan
- Sheet 5, Demolition Plan
- Sheet 6, Site Plan
- Sheet 7, Grading & Drainage Plan
- Sheet 8, Utility Plan
- Sheet 9, Landscape Plan
- Sheet 10, Lighting Plan
- Sheet 11, Soil Erosion and Sediment Control Plan
- Sheet 12, Construction Details
- Sheet 13, Construction Details
- Sheet 14, Construction Details
- Sheet 15, Construction Details
- Sheet 1 of 1, Construction Phasing Plan
- Environmental Impact Statement, dated August 2010

Prepared by Blue Marsh Associates, Inc.

- Sheet 1 of 1, Land Title Survey, dated 8/27/10

Prepared by Joseph Staigar Engineering, LLC

- Preliminary Traffic Impact Statement, dated August 26, 2010

Prepared by Haas Associates, P.C.

- Sheet SK-2, Proposed Site Plan, dated 8/19/10
- Sheet SK-3, Proposed Elevations, dated 8/19/10

- Sheet SK-4, Proposed Elevations, dated 8/19/10
- Sheet SK-5, Proposed Section, dated 9/21/10
- Sheet SK-6, Proposed Roof Plan, dated 9/21/10

Prepared by NW Sign Industries

- Pages 1 to 11, Sign locations and Details, dated 8/27/10

Stormwater Management Report for Roxbury Enterprises, prepared by Dynamic Engineering, dated August 2010

Wetlands/Transition Area Investigation
prepared by Environmental Technology Inc.
dated September 23, 2010.

4. In support of the application, the Applicant submitted the following documents, which are part of the hearing record:

- NJDOT Letter of No Interest, dated 11/8/10

5. The Board's planning and engineering professionals and/or consultants submitted the following reports concerning their respective reviews of the application, which are part of the hearing record:

Russell Stern, PP, AICP, CLA, dated 10/22/10 (updated 11/24/10), 11/29/10

Paul Ferriero, PE, PP, CME, LEED, dated 10/29/10

Harold Maltz, PE, PP, consulting Traffic Engineer, dated 11/1/10

6. Township officials and/or agencies submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Michael Kobylarz, PE, PP, CME, Township Engineer, dated 11/2/10

Ptl. Gregg Prendergast, Traffic Safety Bureau, dated 10/10/10

Michael Pellek, Fire Official, dated 10/12/10

Roxbury Township Environmental Commission, dated 10/15/10

Abigail Montgomery, REHS, Health Dept., dated 10/4/10

7. In the course of the public hearings, the following exhibits were marked and are part of the hearing record:

- A-1 Site Plan Exhibit
- A-2 4 Photos of S. Plainfield Bank Site
- A-3 Colored Rendering of SK-4
- A-4 Colored Rendering of SK-3

8. In the course of the public hearings, the Applicant was represented by Paul Nusbaum, Esq., and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Joseph Jaworski, PE, engineering expert

Mark Hass, architect

Joseph Staiger, PE, PP, traffic expert

The Board's traffic consultant, Harold Maltz, PE, PP, also testified

9. Based on the hearing record, the Board has made the following findings relative to the variances and/or design waivers sought by the Applicant:

- A variance is necessary from Section 13-8.916D1, which permits only one façade, canopy, awning, or permanent window sign per occupant. While only one sign is permitted for the bank, the Applicant proposes three (3) Investors Savings Bank façade/canopy signs. One sign will be located on the front building canopy and the other on the rear canopy beyond the view of the public traveling Commerce Boulevard and Ramp 'C'. Based on the sign drawings (sheet 10-816) a façade sign will be located above the drive-through ATM. Applicant has agreed to reduce the area of the drive-through sign to 4 square feet or less with no internal illumination. Two vinyl door signs are also proposed on the front entrance and two on the rear entrance. The Board has no objection to the door signs as they are less than 1 square foot in area.

- A variance is necessary from Section 13-8.916D3, as only one freestanding sign is permitted on a property, while the Applicant proposes two signs. One is a 6'-2" tall by 8' wide (49.3 square feet) Investors Savings Bank monument sign and the other is an 18 feet high pylon type sign for the retail building with an area of 54 square feet (9' h x 6' w). The issue of a second freestanding sign shall be heard at the time of amended site plan approval for the retail building. The retail sign detail will need to be further detailed. If the retail freestanding sign is denied during the amended hearing, then the possibility exists that the Investors Savings Bank sign may need to be integrated within one monument sign that advertises both buildings.

- A design waiver is necessary from Section 13-8.809B, as the proposed 6-foot high white vinyl fence exceeds a 4-foot height between the road right-of-way and front retail building foundation. The fence is proposed for screening purposes. The Board has no objection if the 6-foot fence transitions down to 4 feet where it meets the 40-foot front yard parking setback.

- A design waiver is necessary from Section 13-8.701B3, as the bank drive-thru does not have queuing for ten (10) automobiles per lane. Testimony provided by the Applicant in support of the waiver indicated to the satisfaction of the Board that proposed queuing will be adequate.

- A design waiver is necessary from Section 13-8.703A, as the Applicant does not provide a delivery space (UPS, armored truck, etc.) for the bank. Based on Applicant's testimony, the Board finds that the limited deliveries to the bank can be accommodated without a designated delivery space.

- A design waiver is necessary from Section 13-8.707F, as light intensity shall not exceed 0.3 foot candles along the property lines, while this standard is exceeded along PC Richards (5.4 fc) and Fran's Wicker Warehouse (0.9 fc). Greater compliance shall be provided to the satisfaction of the Board Engineer.

- A design waiver is necessary from Section 13-8.707G, which limits an exposed concrete light foundation to 2 inches above grade on pavement and 6 inches on lawn/planting areas. The Applicant proposes an exposed concrete light foundation of 2.5 feet for all freestanding lights. The Board supports a waiver for the A3 fixture located within the retail parking lot, but the remaining lights can be located within lawn/planting areas a minimum of 2.5 feet from the edge of curb.

- A design waiver is necessary from Section 13-8.804B, as the existing street tree planting does not meet ordinance requirements for 40 feet on center spacing and location within the right-of-way. As the trees exist, the Board requires either supplemental shade or ornamental trees between existing trees along the Commerce Boulevard and Ramp 'C' frontage outside the right-of-way.

The Board further finds that this relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the preliminary major site plan and minor subdivision as depicted and described in the drawings and/or plans referenced hereinabove. In connection with this approval, the Board grants relief from land use provisions of the Township ordinances in accordance with Section 9 above.

This approval is subject to the following conditions, as well as conditions set forth in Section 9 above, which shall, unless otherwise stated, be satisfied prior to the Board's signature of the preliminary site plan drawings:

1. Sheet 1 of the engineering drawings shall be titled "Preliminary Major Site Plan and Minor Subdivision" to be consistent with the filed application.

2. At this time, the retail building is speculative and future tenant(s) are unknown. Therefore, operational, deliveries, trash/recycling pick-up, architecture, signage, lighting, landscaping and other site specific concerns cannot be addressed. Consequently, an amended site plan approval shall be obtained prior to construction of the retail building to address these issues.

3. Errors in the Environmental Impact Statement shall be corrected. The page 3 project description incorrectly identifies the floor area of the retail building, which should be 8,375 square feet, and page 7 indicates the current proposal as a flex warehouse development.

4. Curbing (excluding loading area) and the 5-stall parking bay associated with the retail building shall be constructed during Phase I to provide a finished appearance and keep vehicles out of the Phase II area. A gate or other aesthetic obstruction shall be placed along the common traffic aisle where it accesses the retail loading area.

5. The retail pad area shall be graded, provided with topsoil, and seeded as a part of Phase I. Additionally, landscaping shall be provided between the jughandle ramp and future building.

6. A phasing narrative and additional detailing of the Phasing Plan shall be provided and subject to the review and approval of the Board's Engineer.

7. During Phase II, construction fencing shall be located along the 20 foot setback line paralleling Ramp 'C'.

8. All construction equipment, materials and debris will be removed from the property prior to the issuance of a certificate of occupancy for the bank. Construction equipment and materials for Phase II shall not be permitted on-site until building permits are obtained for the retail building and Phase II construction is ready to begin.

9. Pursuant to Section 13-7.21A02, the Applicant shall comply with Chapter XXI, "Noise Control" and Chapter III, Section 3-4, "Excessive Noise," of the Revised General Ordinances of the Township.

10. Pursuant to Section 7.810B, no more than one principal use or building may be erected on a lot except for an integrated complex of functionally related, compatible buildings serving one comprehensive operation under the control of one management entity, which shall be responsible for maintenance of all common facilities and limited to a shopping center development and planned development. The proposed uses rely upon shared access, site circulation, storm water management, and utilities. A copy of the proposed master deed and/or other documents addressing management of the site and maintenance responsibilities shall be provided for review and approval by the Board Attorney.

11. Architectural compatibility between the two buildings cannot be determined at this time as architecture for the retail use has not been provided. Consequently, architectural style and materials of the two building and freestanding signs will be compatible with one another and will be reviewed by the

Planning Board to verify compliance with Section 7.810B at the time of amended site plan for the retail building.

12. Compliance to the height restrictions for the retail building will be determined at the time of amended preliminary site plan.

13. The impervious coverage number for proposed Lot 38 on the sheet 4 Zoning Schedule shall be corrected, as the number has been reduced as a result of a decrease in traffic aisle area.

14. Compliance to impervious coverage standards shall be achieved by eliminating excess parking spaces and/or reducing the size of the retail service area. A revised parking plan shall be submitted for approval by the Township Planner and Board Engineer.

15. A 20-foot rear yard setback shall be assigned to the northerly property line.

16. The gross floor area of PC Richards shall be confirmed in order to verify compliance with maximum floor area ratio (FAR). The zoning table on sheet 4 indicates a FAR of 0.20 (46.334 SF) while a maximum FAR of 0.20 is permitted in the B-2 District.

17. To avoid the need for a variance under Section 13-7.2502D10, the bank building shall be moved back so as to provide a 10 feet setback between the front building wall and traffic aisle. Applicant shall reduce the area of the front building sidewalk and provide enhanced landscaping as required by the Township Planner.

18. Benches and decorative trash receptacles and ash urns shall be provided with details for both buildings in accordance with Section 13-8.810.

19. Decorative paving and/or scoring patterns shall be provided at all building entrances.

20. Pursuant to Section 13-8.500A, all utilities shall be installed underground.

21. Underground electric service, telephone and cable should be provided to the retail building from the northernmost pole by the jug handle, as feasible.

22. Existing and proposed fire hydrants shall be located and subject to review by the Township Fire Official.

23. The location of proposed fence along the northwesterly property line shall be adjusted in the field to minimize disturbance of existing trees and shrubs as feasible. Plans should be noted accordingly. Applicant intends on removing overgrown brush/shrubs and replacing with new fence and landscaping. The Applicant shall address whether existing trees will be preserved in this area.

24. Pursuant to Section 13-8.809F, the finished side of fence must face the adjoining property.

25. A bollard detail shall be provided.

26. On sheet 7 between the retail building and Ramp 'C' the label for a proposed 3' x 3' area of river stone shall be clarified.

27. River jack rip-rap shall be specified at the end of flush curb cuts.

28. The existing gravel area at the northwestern most portion of the tract by the rear PC Richards parking lot shall be noted for removal, provide topsoil and seed.

29. Pavement arrows, stop bars and striping at PC Richards's driveways have substantially faded and shall be reapplied.

30. Applicant will comply with Section 13-7.812 regarding communication antennas/satellite dish antennas.

31. Applicant shall obtain sewer capacity allocation authorization from the Governing Body (Section 13-8.501E).

32. The PC Richards application was approved with a drop curb at the rear portion of the parking lot adjoining proposed Lot 3B in order to facilitate the exiting of car carriers from the Chrysler Plymouth dealership. Based upon the current proposal, this connection is no longer needed, and the drop curb shall be replaced with full height curb and the gate eliminated.

33. Hairpin parking stall striping, along with a detail shall be provided in accordance with Section 13-8.702K.

34. The "Do Not Enter" signs by the loading zone shall be replaced with the "Truck Deliveries Only" signs. The "Truck Deliveries Only" signs proposed by the retail buildings can be removed.

35. Traffic sign details shall specify factory finished black sign posts.

36. A concrete apron shall be provided at the Commerce Boulevard driveway as required by the Board Engineer (Section 13-8.612P).

37. All off-street parking areas shall be used exclusively for the parking of automobiles. No commercial repair work or sales of any kind shall be conducted in any parking area (Section 13-8.702S).

38. The trash enclosure detail on sheet 12 shall be revised to match the 10' x 18' feet enclosure depicted on the site plan. Gate openings shall be adjusted accordingly.

39. The trash enclosure shall be noted to require a masonry material to match the retail building.

40. The trash enclosure detail shall specify a cast stone cap, or similar, with a one inch overlap of the wall below it.

41. Revised plans shall provide a trash enclosure for the bank acceptable to the Township Planner.

42. The discrepancy of the sign by the ATM differs between the architectural drawing sheet SK-3 and drawing number 10-816 of the sign package shall be corrected. The ATM sign shall not exceed 4 sq. ft.

43. Any proposed decorative wall lights, drive-through wall lights, security/emergency lights shall be depicted on the architectural elevations and color manufacturer's catalog cuts provided.

44. Pursuant to Section 13-8.706A, architectural and engineering drawings shall note that rooftop mechanical equipment shall be architecturally screened in a manner compatible with building architecture.

45. Applicant will comply with Section 13-8.903O, which limits directional signs to 4 square feet and does not allow advertising.

46. The Investors Savings Bank directional signs shall be located on the site plan and details provided on the engineering drawings.

47. The method of illuminating the monument, façade and bank directional signs shall be specified on revised plans. Directional signs shall not be illuminated, while monument and façade signs (except the bank drive-through) shall be internally illuminated. Only letters on the façade signs will be illuminated.

48. Color manufacturer's catalog cuts shall be provided for freestanding and wall mounted lights.

49. Details of the Kurtzon Canopy Light and entrance soffit lights shall be provided. Municipal Code requires that the light lens be flush with the canopy ceiling (Section 13-8.707D).

50. A detail of the 'W1' Gardco Super Sconce should be provided. Code requires that the lens be flush with the fixture housing and parallel to the ground (Section 13-8.707D).

51. The 'W1' wall light on the easterly retail building elevation shall be removed as the service drive has been eliminated.

52. The lighting plan shall specifically identify where the 2'-6" exposed concrete light foundations are proposed.

53. The Applicant shall confirm the light fixture mounting height above grade. The Light Pole Foundation Schedule and Lighting Luminaries Schedule indicate 18 feet including exposed concrete light foundation. However, note number 2 on the Area Light Detail specifies a total height of 23 to 25 feet. Revise to specify an 18 feet combined height.

54. Pursuant to Section 13-8.707G, where light poles are located within lawn or planting areas, the exposed concrete foundation shall not exceed a height of 6 inches above grade. Plans shall be noted accordingly.

55. The area light detail shall specify a base plate cover.

56. Wall, canopy and freestanding light color finishes shall be labeled (black preferred).

57. Freestanding lights shall be aligned with parking stall striping to help avoid damage by vehicles (Section 13-8.707G). The plan shall be noted accordingly.

58. Existing site lighting (including utility pole mounted floodlights along and within the right-of-way of Commerce Boulevard and Ramp 'C') shall be noted for removal.

59. Applicant's Traffic Impact Analysis shall be modified in accordance with the report of Harold Maltz dated 11/1/10, with the exception of item #8. Applicant will restripe Commerce Boulevard in front of the property frontage for Block 5002, Lot 3. A "No Left Turn" sign shall be posted at the northerly exit of P.C. Richards. Left turn arrows on Commerce Blvd. at the P.C. Richards northerly driveway will be removed.

60. The following corrections shall be made:

- The zoning table depicts the impervious coverage for Proposed Lot 3B as 60.9% whereas the zoning table on Sheet 4 depicts it as 62.8%. The existing lot width, frontage, and setbacks listed do not correspond to the dimensions listed in the table on Sheet 4. The aforesaid data shall be made consistent.

- The proposed freestanding bank sign, with a height of 6.2', shall be relocated so as not to overhang the curb line at the exit lane from the drive through.
- Note #10 indicates that all underground tanks shall be removed, however the EIS indicates that all underground storage tanks have been removed from the site. The status of the tanks shall be clarified.
- Note #25 indicates that the site plan may not be consistent with the architectural plans as it relates to door locations. The site plans and architectural plans shall be consistent with each other.
- The plans indicate that a variance is required for a second façade sign associated with the proposed bank. The signage table shall be expanded to include the proposed ATM sign.
- The proposed free standing sign associated with the bank shall be relocated so that it will not obstruct view of the stop sign for vehicles leaving the drive through lanes.
- The plan depicts the light intensity exceeding 0.3 foot candles along the northerly property line, as well as the proposed common property line to the west and along Commerce Blvd. (Section 13-8.707 of the Ordinance). Applicant shall submit a revised lighting plan that minimizes the exceedence to the satisfaction of the Board Engineer. The revised lighting plan shall also achieve greater uniformity by using more fixtures with lower wattage.
- The Applicant shall verify that the dumpster enclosure will be large enough for the intended use. The plan indicates and 18' wide dumpster pad whereas the detail depicts a 10' wide enclosure. The detail shall depict the length of the enclosure.
- The EIS indicates that Remedial Investigation and Remedial Action Work Plan have been submitted to NJDEP. The Applicant shall indicate whether any additional remediation work, as it relates to contamination from the previous uses on the site, is required by NJDEP.

61. The following revisions shall be made in the Site Plans:

A. Sheet 1 – Title Sheet

1. The plan shall note that the drawings are for preliminary approval only.
2. The final block and lot number shall be confirmed by the tax assessor.

B. Sheet 4 – Subdivision/Overall Plan

1. Revise the Lot area for Proposed Lot 3A within the zoning table.
2. The dimension from the existing car dealership building to the Right-of-Way along the road ramp shall be depicted.
3. The front yard setback listed for Proposed Lot 3B shall include the setback to the proposed retail building (40').

4. The maximum building coverage FAR for Proposed Lot 3B listed within the zoning table (11,641 sf) does not equal the sum of the building footprints depicted for each building (8,375 sf retail; 3,241 sf bank; 11,616 sf total). Clarification is required.
5. The drive through canopy at the bank shall be included within the total building coverage (24.15' x 28.1').
6. There is a reference to Lot 4 Block 5002 within the westerly portion of Lot 3. Clarification is needed.
7. Remove the notation in the upper right corner of the plan sheet, which states that the plan is to be utilized only for vehicle circulating purposes only.
8. Deed descriptions and lot closure calculations will be required for the two proposed lots.

C. Sheet 5 – Demolition Plan and Notes

1. Note #9 indicates that any existing foundation systems (which would include walls, footings and other materials), located outside the area of the designated buildings is to be removed to a depth of not less than one foot below finished pavement depth.
2. Any fill to be installed, if required, within the new building limits shall be under the supervision of a qualified geotechnical engineer.
3. Expand the limit of disturbance to include the removal of the existing 15" RCP that connects into the inlet located in Commerce Boulevard. The drainage profile indicates that this pipe will be replaced with an 18" Class V RCP.
4. Road opening permits will be required for the work within the Public Right Of Way.
5. The Applicant shall confirm whether any utility poles will need to be relocated as a result of the proposed modifications to the property.

D. Sheet 6 – Site Plan

1. Provide the pavement width at the neck of the entrance drive to the bank drive through.
2. Provide wheel turning movements for a passenger vehicle located at the drive up ATM.
3. Provide wheel turning movements for delivery trucks/garbage trucks accessing the back of the proposed retail building.
4. Provide the width of the sidewalk along the bank in the area of the accessible parking.
5. Hairpin striping shall be installed for the site.

6. The signage table shall be expanded to include the directional signs that advertise the bank. The location of the directional signs shall be depicted on the site plan.
7. All Fire Zone parking restrictions shall be depicted and approved by the Fire Official.
8. The accessible ADA signage shall be mounted on the building. In order to eliminate the need for the concrete wheel stops and allow for the full length of the parking space to be utilized with a 2' overhang.
9. Provide a concrete apron at the Commerce Boulevard driveway intersection.
10. Label the proposed stop signs at the driveway intersection with Commerce Boulevard and at the intersection north of the bank.

E. Sheet 7 – Grading & Drainage Plan

1. Provide additional spot grades along the accessible route from the barrier free spaces to the entry door.
2. Revise the spot grades in the area of the accessible spaces at the bank (numbers transposed and label blocks the corner grade).
3. Provide a curb spot elevation at the center of the westerly parking at the north side of the proposed bank.
4. There are a number of areas where the proposed grades along the curb are less than 0.75%, which contradicts the grading notes (#2 and #3) with respect to minimum curb slopes. A minimum 1.0% curb slope shall be utilized in the parking/driveway to help facilitate drainage.
5. Portions of the loading areas behind the retail building are pitched at 0.1% to the curb cut/scupper. A 1.0% minimum slope shall be provided.
6. There is a low area (turf) in the northwesterly corner of proposed Lot 3B that does not appear to drain. A swale shall be constructed to help drainage in this area.
7. Label the width of the curb cuts/scuppers on the plan.
8. Provide stationing on the plan that corresponds to the driveway profiles depicted on the sheet. Features, such as proposed curb etc. shall be added to the profiles.
9. The grading notes reference retention/infiltration basins, which are not part of the design. The notes shall be revised accordingly.

F. Sheet 8 – Utility Plan

1. Road opening permits will be required for utility and storm sewer connections within the public ROW.

2. All utility connections shall be in accordance with the requirements of the respective utility companies/authorities.
3. Water and sewer connections are subject to review and approval by the Township Engineer as well as the water company.
4. Fire hydrant locations are subject to review and approval by the Township Engineer and the Fire Official.
5. Provide roof leader drains along the southerly side of the proposed retail building.
6. 0.10' of drop shall be implemented in the design between inflow pipes and outflow pipes within the proposed storm inlets.
7. The storm sewer information depicted on the plan shall be consistent with the storm sewer analysis within the drainage report. A number of pipe sizes/slopes do not correlate.
8. A drainage easement will be required for the storm sewer connection onto Proposed Lot 3A from Lot 3B. The easement shall be of sufficient width as determined by the Township Engineer but in no case shall be less than 20' (Section 13-8.205A).
9. The plan depicts utility installation within Ramp 'C'. The site plan shall specify new curb to be constructed in this area.

G. Sheet 10 – Lighting Plan

1. Light A3 shall be aligned with the parking stall striping (located north of the proposed bank).
2. The 24" exposed concrete foundation shall meet the criteria within Section 13-8.707G which requires a maximum 2" above grade on pavement and 6" above grade when located within lawn areas.

H. Sheet 11 – Soil Erosion & Sediment Control Plan

1. Note that this plan requires certification from the Morris County Soil Conservation District.

I. Sheet 12 – Construction Details

1. The ADA parking signage depicted shall also be utilized for the existing accessible spaces associated with the P.C. Richards Building (Proposed Lot 3A) to the extent that that signage needs to be updated.
2. Revise the curb details to be consistent with Section 13-8.609 of the Ordinance.
3. The sidewalk detail shall be revised to comply with section 13-8.611 of the Ordinance.
4. Revise the striping detail to depict hairpin striping for the parking stalls.

5. Provide a pavement restoration detail for work within the public roadways.

J. Sheet 13 – Construction Details

1. Water and sewer details are subject to approval from the Township Engineer and the water company.
2. Specify a bicycle grate and N Eco Head within the Doghouse B inlet detail. Specify bicycle grates for the “B inlet w/ Type N Eco Grate detail”.
3. Provide a reset detail for the monitoring wells.

K. Sheet 14 – Construction Details

1. Note that this plan will need to be approved by the Morris County Soil Conservation District.

L. Sheet 15 – Construction Details

1. Storm drainage profile 2 shall be revised so that the information depicted is consistent with the plans and calculations.
2. Sanitary sewer profiles are subject to approval from the Township Engineer.

M. Sheet 16 – Construction Phasing Plan

1. The plan indicates that the proposed retail building will be constructed under Phase II. The remainder of the improvements will be constructed under Phase I. The plan shall clearly depict the limit of the curb installation along the front of the retail building.
2. The phasing plan shall indicate that the area of future retail building will be graded, stabilized with topsoil and seeded during Phase I.

62. Architectural Plans shall be revised as follows:

- A. Architectural plans for the retail building shall be submitted as part of an amended site plan application for the retail building.
- B. The ATM detailing depicted on sheet SK-3 differs from the detail depicted in the sign packet. They shall be consistent.
- C. Details of the wall sconces depicted on Sheet SK-4 shall be provided. The location of the sconces shall be depicted on the Lighting Plan.

63. Drainage Calculations shall be revised as follows:

1. Revise the scale of the drainage area maps (plans list scale as 1”=20’ which is not correct).
2. The two roof leader drains for Building A (Investors Savings Bank) shall be connected directly into the two inlets (#1 and # 2).

3. The roof leader/drain along the southerly side of Building B shall be depicted. Calculations for the drain shall be included in the report.
4. The proposed condition drainage area map depicts a loop driveway along the easterly side of Building B, which has been eliminated from the site plans. The drainage area maps shall be consistent with the site plans.
5. The storm sewer analysis shall include inlet grate and pipe invert information.

64. Sewer allocation approval is required from the Township Engineer and Township Council.

65. The land title survey indicates that the subject property is located within Flood Zone "C" (areas of minimal flooding) based on the FIRM Map dated December 15, 1982. The limits of any flood zones/flood hazard areas/riparian buffers shall be depicted on the plans. An applicability determination from the NJDEP is required as a condition of approval.

66. The utility plan shows that a sanitary sewer lateral from the proposed bank building will connect to an existing 10" sanitary sewer lateral on the property. The Township Sewer Utility recently inspected the sanitary sewer lateral and determined that the lateral is partially filled with sediment. The property owner shall clean and televise the 10" sanitary sewer lateral to the sanitary sewer manhole on Commerce Boulevard. This work shall be performed prior to connecting the proposed bank building and new retail building to the 10" sanitary sewer lateral.

67. To avoid confusion regarding ownership of the lateral, the Township requires the sanitary sewer manhole covers on the property be replaced with covers specifying "Sanitary Sewer."

68. A calculation shall be provided to the Township Engineer comparing the sanitary sewer capacity required for the new development to the sanitary sewer capacity used for the former car dealership.

69. The existing handicap access ramps at the existing driveways serving the separate retail building may not comply with the current ADA requirements. A note shall be provided on the plan indicating that the curbing and sidewalk at these existing handicap access ramps shall be replaced as directed by the Township Engineer to comply with the current ADA regulations.

70. Portions of the existing belgian block curb along the property's frontage are damaged. A note shall be provided on the plan indicating that the belgian block curbing which is broken and/or in disrepair shall be replaced as directed by the Township Engineer. The pavement shall also be repaired at the existing driveways to the retail stores as directed.

71. The plan currently shows the new onsite storm sewer system connecting to an existing substandard "B" inlet in Commerce Boulevard near the jughandle. The ownership of this inlet shall be confirmed with the NJDOT. Based on the proposed invert elevation of the 18" reinforced concrete pipe, there would be insufficient concrete between the top of the pipe and bottom of the frame on the inlet. Also, the available space along the back wall of the inlet does not appear to be sufficient to accommodate both the proposed 18" and existing 12" pipe connections. The existing "B" inlet frame, grate and curb piece shall be replaced by a current stormwater compliant frame, grate and curb piece.

72. A Right-of-Way Excavation permit will be required for all work within the Commerce Boulevard right-of-way.

73. The following items shall be addressed to the satisfaction of the Township Fire Official:

- A. Fire Zones No Parking areas shall be established as highlighted on the copy of the site plan attached to Michael Pelleck's memo of 10/12/10. They shall include the signage and permanent pavement markings and be enforceable under title 39 as well as the N.J. Uniform Fire Code.
- B. A fire department connection sign shall be placed over the fire department connection as per the code.
- C. Any truss construction shall have the appropriate sign mounted at the front main entrance to the building.

74. Two unlabelled signs on the site plan shall be labeled: The first sign is located at the exit from the property at Commerce Blvd. The second sign is located at the center of the complex, just north of the handicapped parking spaces located on the east side of the proposed Investor Savings Bank building.

75. Existing shade trees along the northerly/Fran's Wicker Warehouse property line shall be depicted on the Demolition and Landscape Plan with the size and species identified. If to be removed, then replacement trees may be required.

76. If replacement trees are later required, bonding will only be needed if the number of replacement trees are 6 or greater.

77. Sheet 5 shall verify that existing trees at the northernmost property corner will not be removed, but will be preserved as shown on the Landscape Plan.

78. Street trees located within the Applicant's property shall not be classified as replacement trees.

79. A Tree Removal Permit shall be obtained prior to any tree removal.

80. Pursuant to Section 13-11.13c, where the number of replacement trees is over 5, a performance guarantee shall be submitted in an amount not to exceed 120% of the cost of replacement trees prior to the issuance of a Tree Removal Permit.

81. In accordance with Section 13-8.807E, four parking lot end islands shall be provided with 2½ to 3" caliper shade trees.

82. The quantity of Pyramidal European Hornbeam shall be reduced and the number of full canopy shade trees increased.

83. Shrub plantings within parking lot end islands shall be revised so that plants do not obstruct visibility at traffic aisle intersections by exceeding a mature height of 30 inches (Section 13-8.807H). 'JS' at the island end and taller shrubs at the center are acceptable.

84. The use of Leatherleaf Viburnum shall be reconsidered as it will obstruct visibility of the bank's monument sign.

85. Landscaping is required at the base of all freestanding signs.

86. A landscape screen planting as required under Section 13-8.807A shall be provided along the westerly driveway/PC Richards property line.

87. Landscaping shall be provided along the bank's Commerce Boulevard elevation and the extent of concrete in this area minimized to enhance the site (Section 13-8.802A).

88. Perennials, including ornamental grasses shall be included within the building foundation plantings (including adjacent bank end islands) and driveway entrance plantings to enhance the site.

89. The planting of Ilex Crenata along the Commerce Boulevard and Ramp 'C' frontage has a combined length of 330 feet. Applicant shall introduce an alternate hedge species along Ramp 'C'. Clusters of foreground plantings, including flowering perennials and ornamental grasses, shall be provided along the road frontage.

90. The Applicant shall verify the winter hardiness of Ilex Crenata for use at this location.

91. Shrubs shall be located at the northeasterly terminus of the proposed white PVC fence.

92. Evergreen trees (6-8' height) shall be specified at the northeasterly building corner and trash enclosure for screening from Ramp 'C'.

93. The Canadian Hemlock proposed between the bank parking and drive-through island will overgrow the space and shall be replaced with a shade tree.

94. Canadian Hemlock shall be replaced with a more disease resistant evergreen such as Norway Spruce.

95. The landscape plan shall note that "The view of utility areas, mechanical equipment, transformers and meters shall be screened from adjoining lots and street lines with landscaping. Open access to the equipment shall be maintained" (Section 13-8.807K).

96. Mechanical equipment, transformers and meters shall be located on the landscape plan. Locating these structures within the front yards shall be avoided.

97. The landscape plan shall accommodate areas for plowed snow.

98. The landscape plan shall note that all plant materials, planting practices and specifications shall be in accordance with the "American Standard for Nursery Stock" promulgated by the American Association of Nurserymen Standards. (Section 13-8.802E).

99. The landscape plan shall note that trees shall be nursery-grown, free of disease, substantially uniform in size and shape and have straight trunks. (Section 13-8.805A).

100. The landscape plan shall note that dead wood will be removed from existing trees noted for preservation.

101. A minimum of six (6) inches of topsoil cover shall be specified for all disturbed areas. (Section 13-8.803A).

102. The proposed lawn shall be specified as sod.

103. The Plant List shall also identify the plant height associated with shade trees and ornamental trees.

104. Landscape irrigation shall be provided (Section 13-8.805C).

105. The landscape plan shall note that tree stakes and guy wires shall be removed one year after the date of installation (Section 13-8.805B).

106. The Township Planner shall be contacted for additional landscape comments prior to revisions.

107. A revised landscape plan will be submitted and subject to the review and approval of the Township Planner.

108. Minor subdivision deeds shall be reviewed and approved by the Board's Attorney and Engineer prior to filing. Deeds shall include the following recital: "Pursuant to N.J.S.A. 40:55D-47, the minor subdivision referred to in the within Deed was approved by the Roxbury Township Planning Board on [date] and memorialized by Resolution on [date]."

109. The following construction mitigation measures are hereby made applicable to this project:

- A. Elimination of anti-vandalism horns on equipment.
- B. Work hours shall be limited from 7:00 a.m. to 5:00 p.m. Monday through Saturday. No work shall take place on Sundays or holidays except on an emergency basis. The holidays which shall be observed for purposes of this condition shall be New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas. The Applicant shall maintain personnel on site to whom incidents of noise disturbance shall be reported and said personnel shall be authorized to take measures to minimize said disturbances. As used in this section, "work" shall include both interior and exterior construction.
- C. Anti-litter regulations shall be imposed on site.
- D. The Applicant shall establish regulations for the safe and proper transfer and transport of fuel on site.
- E. Tracking mats shall be located by the Morris County Soil Conservation District and the Township Engineer in such places as to minimize the tracking of dirt and mud onto Commerce Boulevard.
- F. Clean-up and wash-down of trucks and equipment shall be required before leaving the construction site.
- G. Adequate provisions for safe control of employee parking including employees of the contractors and sub-contractors shall be required on site during construction.
- H. During construction, all construction traffic shall enter and exit the site exclusively from Commerce Boulevard.
- I. Violation of any of these construction mitigation measures may result in a stop work order, which order shall remain in full force and effect until the condition is remedied to the satisfaction of the Township Engineer.

110. Prior to disturbance of the subject property, the Applicant shall comply, to the extent applicable, with the provisions of Ordinance Chapter XVII, "Soil Removal and Soil Relocation."

111. Prior to final site plan/subdivision approval, the Applicant shall obtain from the Township Engineer a determination of required off-tract improvements and Applicant's pro-rata

contribution with respect thereto, pursuant to Ordinances §13-4.6 and 13-4.7. Said contribution shall be paid in full prior to final site plan/subdivision approval.

112. The Applicant shall pay a mandatory development fee in accordance with Ordinance Section 13-7.829, or any applicable successor provision of the Township Ordinance and/or State law in effect at the time a building permit is issued.

113. Applicant shall source separate and recycle all mandated material as required by the Municipal Recycling Ordinance and the Morris County Solid Waste Management Plan both during construction and for the duration of occupancy.

114. Drawings shall identify areas for trash and recycling enclosures and potential future expansion of these enclosures with corresponding details.

115. In the event that future additional dumpster enclosures are needed for the site, then upon the approval of the Zoning Officer, they shall be constructed.

116. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

117. This approval is subject to the payment in full by the Applicant of all taxes, fees, escrows, assessments and other amounts due and owing to the Township and/or any agency thereof.

118. If the Soil Conservation District, Morris County Planning Board, or any other governmental body from which approval is necessary causes, through their examination of the plans as recited in this resolution, any revisions to said plans then, in that event, same shall be submitted to the Planning Board Engineer. If the Planning Board Engineer deems said revisions to be significant, the Applicant shall return to the Planning Board for further review and approval.

119. Revised plans shall be submitted within 60 days and must be deemed complete to the satisfaction of the Board Engineer within 6 months of the date of memorialization. Failure on the part of the Applicant to satisfy this or any other condition of this resolution will result in referral of this matter back to the Planning Board for purposes of deeming the approval null and void.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution of the Roxbury Township Planning Board memorializing the action taken by the Board at its meeting of 12/1/10.

Motioned by Councilman Zoschak and seconded by Mayor Rilee to approve.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED

APPLICATIONS:

PBA-09-023 P & D REALTY (MORRIS CANAL PLAZA) Block 6501, Lot 20 1070 Route 46

Preliminary Site Plan Approval. This matter has been carried since March 3, 2010 and most recently carried from the December 1, 2010 meeting. Their attorney has requested this matter be continued as far in the future as possible. After a discussion it was decided

to carry the matter to March 2, 2011 with no further notice. If they do not appear at that meeting then the Board would deny without prejudice.

OLD BUSINESS: none

NEW BUSINESS:

A new Master Plan Committee was appointed, Mr. Rilee, Mr. Zoschak, Mr. Defillippo, Mr. Meyer and Mrs. Lutz as an alternate

Motion to adjourn

7:51:16 PM

FOR THE PLANNING BOARD
TOWNSHIP OF ROXBURY

Eugenia Wiss, Board Secretary