

**MARCH 2, 2011 MINUTES**

A regular meeting of Planning Board of the Township of Roxbury was held on March 2, 2011, at 7:30 p.m. in the Municipal Building at 1715 Rt. 46, Ledgewood, N.J. After a Salute to the Flag the Chairman read the Open Public Meetings Act.

**ROLL CALL:**

**PRESENT:** Mr. Shadiack, Mr. Sweeney, Mr. Bautz, Mrs. Lutz, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer.

**ABSENT:** Mr. Verge and Councilman Zoschak

**STAFF:** Mr. Ferriero, Mr. Germinario, Mr. Stern and Mrs. Tardive. Mrs. Wiss arrived at 8:12 p.m.

**MINUTES:**

Motioned by Mrs. Lutz and seconded by Mr. Carey to approve the minutes of January 5, 2011

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

Noes: None

Abstain: Mr. Rilee, Mr. Bautz

Motioned by Mrs. Lutz and seconded by Mr. Carey to approve the minutes of January 19, 2011

Ayes: Mr. Sweeney, Mrs. Lutz, Mr. DeFillippo, Mr. Carey

Noes: None

Abstain: Mr. Rilee, Mr. Bautz, Mr. Meyer, Mr. Shadiack

**RESOLUTIONS:**

**PBA-07-22 TOWER HILL ASSOCIATES, LLC. Block 3602, Lot 9 12 South Hillside Ave.**

Extension of Preliminary Major Subdivision Approval

**ROXBURY TOWNSHIP PLANNING BOARD  
RESOLUTION OF MEMORIALIZATION**

**Approved: March 2, 2011  
Memorialized: March 2, 2011**

**IN THE MATTER OF TOWER HILL ASSOCIATES, LLC  
EXTENSION OF PRELIMINARY MAJOR SUBDIVISION APPROVAL  
BLOCK 3602, LOT 9  
APPLICATION NO. PBA-07-22**

**WHEREAS**, Tower Hill Associates, LLC (hereinafter known as the “Applicant”) obtained preliminary major subdivision approval from the Roxbury Township Planning Board (hereinafter known as the “Planning Board”) on 1/9/08; and

**WHEREAS**, the Applicant has requested from the Board an extension of one year pursuant to N.J.S.A. 40:55D-49c; and

**WHEREAS**, a public hearing was held on 3/2/11, no notice being required; and

**WHEREAS**, the Board has balanced the public interest in favor of implementing the new requirements of the Land Development Ordinance against the hardship to the Applicant, and has determined that the requested extension for the preliminary approval for one year should be granted.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board does hereby grant the requested extension of the Applicant’s preliminary major subdivision approval for an additional period of one year pursuant to N.J.S.A. 40:55D-49c, provided that the Applicant shall comply with the Mandatory Mt. Laurel Development fee in effect at the time of issuance of a building permit, pursuant to Ordinance §13-7.829 or any successor provision thereto, and provided further that Applicant will submit a check in the amount of \$4,500 to fund its escrow account within twenty(20) days of this Resolution.

**ROXBURY TOWNSHIP PLANNING BOARD  
RESOLUTION OF MEMORIALIZATION**

**Approved: March 2, 2011  
Memorialized: March 2, 2011**

**IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 3-11 TO AMEND CHAPTER XIII, LAND DEVELOPMENT, ARTICLE I, GENERAL PROVISIONS, SECTION 13-1.2, DEFINITIONS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY**

**WHEREAS**, the Planning Board has reviewed the proposed Ordinance No. 3-11 and has received input from the Township Planner and Planning Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 3/2/11; and

**WHEREAS**, based upon its review and that of the Township Planner and the Planning Board Attorney, the Planning Board has determined that the proposed Ordinance is consistent with the Master Plan and promotes the goals and objectives of the plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board does hereby find and determine that proposed Ordinance No. 3-11 to Amend Chapter XIII, Land Development, Article I, General Provisions, Section 13-1.2, Definitions, of the Revised General Ordinances of the Township of Roxbury, County of Morris, State of New Jersey, is consistent with the Roxbury Township Master Plan and with the planning goals and objectives of the Township. The Planning Board Secretary is hereby directed to advise the Township Council of said determination by the Planning Board.

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 March 2, 2011.

**ROXBURY TOWNSHIP PLANNING BOARD  
RESOLUTION OF MEMORIALIZATION**

**Approved: March 2, 2011  
Memorialized: March 2, 2011**

**IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 4-11 TO AMEND CHAPTER XIII, LAND DEVELOPMENT, ARTICLE II, LAND DEVELOPMENT ADMINISTRATION, SECTION 13-2.6, BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND ZONING PERMITS, SUBSECTION 13-2.603, ZONING PERMITS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY**

**WHEREAS**, the Planning Board has reviewed the proposed Ordinance No. 4-11 and has received input from the Township Planner and Planning Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 3/2/11; and

**WHEREAS**, based upon its review and that of the Township Planner and the Planning Board Attorney, the Planning Board has determined that the proposed Ordinance is consistent with the Master Plan and promotes the goals and objectives of the plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Board does hereby find and determine that proposed Ordinance No. 4-11 to Amend Chapter XIII, Land Development Article II, Land Development Administration, Section 13-2.6, Building Permits, Certificates of Occupancy and Zoning Permits, Subsection 13-2.603, Zoning Permits, of the Revised General Ordinances of the Township of Roxbury, County of Morris, State of New Jersey, is consistent with the Roxbury Township Master Plan and with the planning goals and objectives of the Township. The Planning Board Secretary is hereby directed to advise the Township Council of said determination by the Planning Board.

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 March 2, 2011.

**COMPLETENESS:**

**PBA-11-01 DILAURO, JOSEPH Block 2615, Lot 5 13 North Second Avenue**  
Minor Subdivision

Motioned by Mr. Rilee and seconded by Mr. Bautz to deem the application complete.  
Ayes: Mr. Sweeney, Mrs. Lutz, Mr. DeFillippo, Mr. Carey, Mr. Rilee, Mr. Bautz, Mr. Meyer, Mr. Shadiack  
Noes: None

**PBA-11-03 SENECA HILLS CORP. Block 1901, Lot 17 13 Eyland Place**  
Minor Subdivision complete- yes

Motioned by Mr. Rilee and seconded by Mr. Bautz to deem the application complete.  
Ayes: Mr. Sweeney, Mr. DeFillippo, Mr. Carey, Mr. Rilee, Mr. Bautz, Mr. Meyer, Mr. Shadiack  
Noes: None  
Abstain: Mrs. Lutz

**APPLICATIONS:**

**PBA-07-22 TOWER HILL ASSOCIATES, LLC. Block 3602, Lot 9 12 South Hillside Ave.**  
Extension of Preliminary Major Subdivision Approval.

This was an application of an 11 lot subdivision approved in January of 2008. The three year period for the preliminary approval is over and they would like a one year extension because they are not complete with their outside agency approvals.

Motioned by Mr. Rilee and seconded by Mr. Bautz to grant the extension.

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

Noes: None

**PBA-11-01 DILAURO, JOSEPH Block 2615, Lot 5 13 North Second Avenue**  
Minor Subdivision

Attorney Ted Dunne of Valentino and Dunne represented the applicant. Engineer Nicolas Wunner and Joseph DiLauro were sworn in and Mr. Wunner was qualified by the Board. Mr. Wunner gave an overview using a colorized version of the site plan marked Exhibit A-1. There is an existing single-family home with a garage on the property. The property is relatively flat, is in the R-4 zone where the required minimum lot size is 7,500 sf. Exhibit A-2 was the plot plan/grading plan. The existing lot will be cut in half, and two conforming lots will be created. Mr. DiLauro is not building a house on the new lot, just subdividing at this time and showing a feasible home on the lot. The existing home does not meet the front yard setback but this is a preexisting condition. On the other lot they propose a feasible house with a garage and driveway; sewer and water are available per the Engineering Department. A drywell was proposed. They're asking for waivers for Morris County Soil Conservation District approval and also for soil logs until issuance of the building permit as they will not be building right away.

They had no objections to most of the items in Mr. Stern's report of February 24, 2011. They have a shed on adjacent Township property that will be placed inside the property line if they cannot get approval to leave it in its present location. They request waivers for the width of the road and for the installation of sidewalks. They agreed to plant a street tree either between the two lots or some other place on the lot where it will not interfere with the proposed construction of the home and driveway.

There are no curbs and sidewalks in that general area. Regarding the width of the roadway, it is continuous in that area. They agreed to get a license from the town to leave the shed in its present location and if not, it will be removed before the filing of the deeds.

Mr. Ferriero's letter of February 23, 2011 was addressed. They would like to do the percolation tests as part of their building permit process and not prior to the filing of the deeds. Mr. Ferriero did not have a problem with this as a condition of the issuance of a construction permit. Mr. Ferriero would like to see a turnaround in the driveway. Mr. Rilee said the shed on the township property will probably have to be moved because of liability. The 12' x 15' shed was built in 1991.

The meeting was open to the public. No one from the public commented. The meeting was closed to the public.

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

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

Noes: None

**PBA-11-03 SENECA HILLS CORP. Block 1901, Lot 17 13 Eyland Place**

Minor Subdivision. Mrs. Lutz recused herself from this application.

Ronald Heymann, Esq. represented the applicant. Mr. Wunner was sworn in and had been previously qualified. The plans for Seneca Hills were marked Exhibit A-1, Sheet 3 of 5, shows the existing conditions and proposed subdivision. Eyland Place parallels Route 10 and the property is behind the strip mall and gas station. The property is 17,500 sf.; there is an existing house on the property with a garage and driveway. Public sewer and water is on the street, however, this house is serviced by a well. The existing house will be taken down and the property will be split into two, both lots will be 8338 sq ft; the minimum lot size in this zone is 7500 sf. Two relatively similar homes are proposed and no variances are required. They will dedicate part of the lot to meet a 50' right of way, an 8 1/2' strip. Drywells for drainage for the two houses will be built this spring. Exhibit A-2 was Sheet 2 of 4 of the architect's plans and showed the house for lot 17.01, a three-bedroom, two-story home with a garage and two parking spaces. Elevation views were also showed to the Board. The home on the other lot is similar, but it is flipped with the garage on the other side. Mr. Stern stated there is a mix of homes on the street. There is a requirement of design standard for a garage.

They agreed with most of the items of Mr. Stern's report dated January 24, 2011. The existing home will be removed prior to filing of the deeds. Regarding the trees they should not be smaller than 11' to 13' feet. The present utilities are above ground, the poles are on the other side of the street. With regard to the Mount Laurel fees, the residential fee is still due and the fee will be based on the increase in the assessed value. Mrs. Wiss arrived.

Mr. Ferriero's report of February 25, 2011 was addressed. They haven't received the certification of Morris County Soil Conservation Approval but they have approval and will provide that. They agreed with the comments of his report.

The meeting was open to public. No one from the public commented. The meeting was closed to the public.

Motioned by Mr. Bautz and seconded by Mr. Sweeney to approve the application.

Ayes: Mr. Sweeney, Mr. DeFillippo, Mr. Carey, Mr. Rilee, Mr. Bautz, Mr. Meyer, Mr. Shadiack

Noes: None

MOTION APPROVED.

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

Preliminary Site Plan Approval. Mr. Meyer recused himself from this application and Vice Chairman Sweeney took over. They would like to be adjourned again.

The Board had not received any of the changes to the original application and the matter had been carried several times since March 3, 2010

A motion to deny without prejudice was made by Mr. Rilee, seconded by Mr. Bautz.  
Ayes: Mr. Sweeney, Mr. DeFillippo, Mr. Carey, Mr. Rilee, Mr. Bautz, Mr. Shadiack  
Noes: None  
Abstain: Mr. Meyer  
Mrs. Lutz had left the meeting.

**PBA-09-018 THE PLAZA AT ROXBURY (St. Theresa's R.C. Church) Block  
5103, Lot 1  
Main Street and Commerce Boulevard**

Minor Subdivision and Preliminary Site Plan for Medical Office Building and Bank. This matter has been carried from the December 1, 2010 meeting. They request to be carried to the April 20, 2011 meeting

The applicant has had problems with engineering firm changes and this has resulted in a delay and they agreed to renotice.

Motioned by Mayor Rilee and seconded by Mr. DeFillippo to carry with new notice  
Ayes: Mr. Sweeney, Mr. DeFillippo, Mr. Carey, Mr. Rilee, Mr. Bautz, Mr. Meyer, Mr. Shadiack  
Noes: None

**OLD BUSINESS:**

**NEW BUSINESS:**

Ordinance Review for Master Plan Consistency:

**ORDINANCE 3-11**

Mr. Stern explained that this ordinance defined completeness.

Motioned by Mr. DeFillippo and seconded by Mr. Bautz to find consistency with the Master Plan  
Ayes: Mr. Sweeney, Mr. DeFillippo, Mr. Carey, Mr. Rilee, Mr. Bautz, Mr. Meyer  
Noes: None  
Abstain: Mr. Shadiack

MOTION APPROVED  
**ORDINANCE 4-11**

Mr. Stern said this Ordinance related to administration, taxes and assessments must be paid before issuance of a zoning permit.

Motioned by Mr. Sweeney and seconded by Mr. Carey to find consistency with the Master Plan

Ayes: Mr. Sweeney, Mr. DeFillippo, Mr. Carey, Mr. Rilee, Mr. Bautz, Mr. Meyer

Noes: None

Abstain: Mr. Shadiack

MOTION APPROVED.

Motion to adjourn

8:32 PM

FOR THE PLANNING BOARD  
TOWNSHIP OF ROXBURY

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Eugenia Wiss, Board Secretary