

**MAY 18, 2011 MINUTES**

A regular meeting the Township of Roxbury Planning Board was held on May 18, 2011, at 7:30 p.m. in the Municipal Building at 1715 Rt. 46, Ledgewood, N.J. After a Salute to the Flag the Vice Chairman read the Open Public Meetings Act.

**PRESENT:** Mr. Sweeney, Mrs. Lutz, Mr. Shadiack, Councilman Zoschak, Mayor Rilee, Mr. Carey, Mr. Bautz  
**ABSENT:** Mr. Meyer, Mr. Verge, Mr. DeFillippo  
**STAFF:** Mr. Ferriero, Mr. Germinario, Mr. Stern and Mrs. Wiss

**MINUTES:** May 4, 2011

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

Ayes: Mr. Sweeney, Mr. Bautz, Mrs. Lutz, Councilman Zoschak, Mayor Rilee and Mr. Carey

Abstain: Mr. Shadiack

Noes: None

MOTION APPROVED.

**RESOLUTIONS:**

**COMPLETENESS:**

**APPLICATIONS:**

**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 a Medical Office Building and Bank. This matter was carried from the May 4, 2011 meeting. Paul Nusbaum, Esq. appeared on behalf of the applicant. This matter had been before Board on two other occasions and Mr. Nusbaum gave an overview of the application. Tonight's testimony will be from their traffic engineer, the Planning Board's traffic expert and at the conclusion of testimony, Mr. Viglianti, a principal of the applicant, will answer any more questions as he will be leaving to serve in Afghanistan soon. The revised drawings will be submitted after the traffic and engineering testimony and the plans will reflect agreements.

An updated colorized version of the original landscaping plan dated 5/11/06 was marked Exhibit A-6. Nicholas Verderese, their Traffic Engineer, was sworn in and qualified. He did a traffic impact analysis on 8/15/09. Traffic counts were done for a week in March 2008 noting key traffic hours and the analysis identified what the future traffic impact would be for the 50,000 sf office and bank utilizing the Transportation Engineers Publication, TRIP Generation 8<sup>th</sup> Edition. The capacity analysis for the driveways identified the levels of service and operations that are mostly A, B, C (one D) and similar on Saturdays. They have good levels of service going in and no issue with queuing. He did not recommend a dedicated left hand lane and both traffic engineers agreed on this.

Regarding the onsite circulation for the 210 parking places (209 required by ordinance), they agreed to eliminate the cross connection to the Church property. All their traffic will be from Commerce Boulevard and the Church traffic will access to and from Main Street. They might relocate the dumpster to the area where the connection was going to be. The loading area for the main building is 15' wide and 70+' long primarily for FedEx type deliveries; they don't foresee large tractor trailers but there is an adequate space for them. Banks do not normally require a loading zone; they have a space for small delivery trucks. The 18' bypass lane will be adequately marked. They will provide the signage recommended by the Board's Traffic Engineer. Pedestrian walkways are provided from the parking area to the building and to the bank. The parking stalls are 9' x 18'. The sight lines are good from the driveways, 445 feet is required, they are clear to north and south as the area is relatively flat. They will provide a plan and profile.

The drive through has a capacity of 9-10 vehicles but in reality not more than five will be required with online banking, etc. He felt the circulation was good inside the site. Exhibit A-7 was an aerial map dated 8/31/10 and he demonstrated the present traffic build up on Commerce Boulevard but the NJDOT has improvements planned for this area and there is a traffic signal planned for the intersection of Commerce and Main Street that should alleviate some of the build up.

He had communication with the Board's Traffic Engineer, Mr. Maltz, recently and had some old traffic counts. Drakesville's driveway is 1000 ft from the north but he didn't have a traffic study on that. They are not going to bank parking because a medical office has larger demands than a regular office building. They will provide a truck turning plan at the next meeting. The shared parking or walkway between the church and this office is off the table. A letter from the Atty. Lovas representing the Church stated that this is a straight subdivision line with no access to be provided to the Church. They might require a waiver for the new dumpster location.

Traffic Engineer Harold Maltz of Hamal Associates was sworn in. Mr. Verderese covered several items in his report. He will review the traffic data that was received at 3:45 p.m. today and he will write a report. The trip generation is correct and the analysis is conservative. No traffic analysis of Commerce Boulevard and Main Street was provided and he contacted NJDOT and they had no traffic counts for the area. The NJDOT intersection improvement project is funded and they will start construction in the Spring of 2012. This would mitigate a lot of the problems with this location and was a good project. The capacity analysis was properly done and he agreed with the level of grades. They will provide truck turning templates and they will comply with his signage recommendations. They will reduce the 24' pavement to 18' on the west side of the building. The circulation around the site is good and both drives are interaccessible internally. The sight distance profiles will be provided and the pass by lane will not be an ATM and will be appropriately signed. The plan can accommodate nine queue vehicles but five cars are all you would see in a facility like this. A southbound left turn lane is not recommended because they need to keep the continuity of the lanes and warning signs can be added for driveways.

If the NJDOT project doesn't materialize, the traffic will be impacted and there will be increased delays but the benefit is that the two driveways are interaccessible. It was clarified that the funding is in place for the planning and acquisition of property for the NJDOT project but not for construction.

The meeting was open to public. Mitchell Garber, 5 Ruth Court, wanted banking of the parking near his property as he was concerned about headlights. There will be a berm and planting in this area that should be a screen.

John Castagno, 17 Kentwood Road, felt there has been an impact to the traffic on the road since the study in March of 2008. He would think there is more traffic because of the mall improvements. They grew the traffic study to 2011 based on the standard growth rates of traffic for Morris County.

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

Mario Iannelli, their Engineer, was sworn in and qualified. He is the project manager but has changed firms and is now with Dewberry and the project has been released to him. Exhibit A-7 was an aerial photo of the site. The site is 16 acres and they will subdivide 6 acres leaving 10.6 acres; they have a current LOI and there are wetlands at the intersection on Commerce and Main with a 150' buffer. A flood hazard permit is not required. The existing drainage patterns were explained. This area they are developing used to be a ball field. The zoning for the site is professional office/residential and this is a conditional use in that zone and they will provide the 50' required buffer. The only waiver is the reduction of queuing. They can consider moving the parking closer to the bank to satisfy the neighbor's concern. A variance for hours of operation is not necessary; the bank will comply including the ATM. The design waiver for the sidewalk is requested. Sidewalk installation would be difficult because of the railroad tracks and wetlands and there is a sidewalk on the other side of the road. They propose flush curbs with a landscaped swale and bumpers for water drainage. The bank's dumpster has been eliminated. They propose a 6 ½' high fence around the dumpster; higher than the 6' required. The light poles where necessary will be clad to match the building. They do not propose shade trees along the building entrances because they didn't want to block the building; it will be beautiful. The utilities are serviced through church property for sewer and water with Roxbury Water.

The site will result in three acres of new impervious coverage. They have designed the drainage system conservatively with a wet pond with aerators near the entrance and they want it to be attractive. The aerators are designed to eliminate algae problems. There is a wet pond across the street. There will be a small patio area and benches around it with a fence. The pond will be groundwater fed. They will have a collection system that will ultimately go to the detention basin and they will reduce the rate of runoff from the site.

They are removing 209 trees and are planting 270 trees, and 1000 shrubs and groundcovers. Street trees are not counted so they will increase the height of the

evergreens by one foot.

The lighting is designed with 27-30 poles, double and single head with downward lighting. There will be zero foot candles at the property line facing the residential areas.

Mr. Nusbaum concurred with the recommendations in the reports with the exception of items discussed tonight. They agreed to relocate sheds and trailer on the Church property to meet the setbacks or the matter is a Zoning Board matter. The basement is just for the storage of records.

Mr. Stern's report of Jan 24<sup>th</sup>, updated April 29, 2011, was specifically discussed. The phasing was discussed. They will start construction when the first occupant is identified. They will comply with the noise suppression for the drive thru or come back to the Board. There will be integrated management of the site; they will develop the properties in a condominium mode with an association and the bank will be part of that. A sidewalk on the property was requested as this is a major thoroughfare and it might be good to have a sidewalk from Main Street and the Township has been requiring sidewalks on new projects. They can't put the sidewalks in the wetlands without a special activity transition area waiver permit. The sidewalk would be in the wetlands, right of way and will have to go over a railway. The applicant felt a waiver for the sidewalks was justified; there are sidewalks across the street and would prefer a voluntary payment in lieu of sidewalks. The sidewalk would be for the total property involved in the subdivision including the Church property. The issue of the sidewalk is the expense. The application is in complete compliance with everything except waivers. The ordinance requires a sidewalk along the entire frontage of the subdivision subject to a waiver. People are walking on major roadways so a continuous section would be beneficial. The waiver can't be granted because it is needed. This issue will be carried to further research the sidewalk issue.

Mitch Garber appreciated rerouting the parking lots. With regard to the lighting plan, they don't want lights shining in their homes. The bulbs will be in a casing that shoots the lights downward, the pavement will glow but no bulb light will be seen no matter where the location and they will be located in the parking lot. He can move the lights between the homes to help address the residents' lighting concerns.

Ron Kilgor, 3 Ruth Court, was concerned about the drainage; that ballfield used to be a lake. They are grading and installing pipes to better collect the water. They can't improve drainage on his site but they have collection system. There have been some changes to the topography and they will be getting updated topo information near the property lines. The Board Engineer will definitely be looking at this.

John Castagna, 17 Kentwood, wanted to know where the trailers will be moved to. If they can't comply with setbacks, they need to be moved off the property. They will show where they will be moved to on the new plans. He wanted clarification on the phasing. Why are they clearing the trees and preparing the site before they have an occupant?

Mr. Vigilanti clarified that they won't touch the property until they have a tenant, either for the bank and or a doctor tenant. They will then do the site work and put in a pad for the other building.

This matter was carried to the June 1<sup>st</sup> meeting with no further notice with an extension granted to the end of July.

**PBA-10-017 DOUMA, LOIS, BLOCK 11002, LOTS 41 & 42 308 Kingsland Road**  
Minor Subdivision, Variance and Steep Slope Application for removal of an existing home and construction of a home with a garage.

Jason Rittie, Esq. represented the applicant. Two properties are involved in this application, 308 and 314 Kingsland Road with the bulk on 308. It involves an existing single family house to be demolished and construction of a slightly larger house that will be moved away from the lake. The lot is currently undersized. Ms. Douma is a co owner of the adjacent Lot 42 and they proposed a minor subdivision lot line adjustment which will make Lot 41 larger.

Lois Douma was sworn in. She has lived at 308 Kingsland Road, Lot 41, since 1996. Her family has owned the property since 1930 and she is a co owner of the adjacent Lot with her sister. She wants to demolish the house as it was originally a cabin built in 1935 and contractors did not feel it could be renovated. Lot 42 also has a cabin on it but it is used in the summer only so nothing will be done with that building. She has flooding problems now. She wants to build a two bedroom home with 3 ½ baths and garage. The existing house has two bedrooms and no garage. The property is serviced by sewer. The house is for her use. Her lot has one dock, Lot 42 has 3 docks. There were originally three structures on lot 42. After the subdivision there will be two docks on each lot that they would like to maintain. The existing shed on her sister's lot will be torn down or be relocated to comply.

Civil Engineer Anthony Castillo with SESI was sworn in and qualified. Exhibit A-1 was a proposed subdivision map and a colored rendering of the site plan S-1 was marked Exhibit A-2. These properties are in the R-3 district and are irregularly configured adjacent lots with steep slopes. Lot 41 is 13,978 sf and Lot 42 is 28,072 sf. They are single story homes with existing paved driveways from Kingsland Ave. Both have wells and pump sanitary sewer systems. There is an existing concrete bulkhead and piers at the shoreline. There is a 150' riparian zone, the entire property needed DEP approval which they took care of first; they got individual flood hazard permits and a wetland permit for the bulkhead work. This was a four month review period with the DEP.

They will reconstruct the house further uphill and construct an attached two car garage. Lot 41 is presently nonconforming. The deck of the existing house is presently 12' from bulkhead. When the lot is enlarged it will be 22,000 sf. and conforming. The subdivision line was shown; it preserves an existing driveway. After the lot line adjustment both lots will be conforming to the ordinance. The side yard set back of the new two story home will be 13.2' instead of 2'. The deck setback from the lake will be 27' and 33' to the

house. The existing driveway will be modified to provide improved turning with boulder type retaining walls and tiering toward residence. A repair of the bulkhead is proposed. The runoff from driveway and roof will be directed to a 200 sf. rain garden, 12" deep with an overflow towards the lake

They will comply with items in Mr. Ferriero's May 13, 2011 engineering report unless specifically discussed. The actual square footage of impervious will be increasing 750 sf. They submitted a major soil moving permit. The rain garden storage capacity and drainage plan was explained. The retaining walls will be no higher than 7' and the wall construction will be dry laid up to four feet and then a composite of concrete and stone. Stability calculations will be submitted for the wall and will be reviewed by the engineer. They will need an ejector pump in the home. The Soil Erosion Plan has been certified already.

Mr. Ferriero felt the soil movement required a minor soil moving permit not a major soil moving permit and could be handled by the Township Engineer. They will comply with all the conditions of Ms. Michetti's engineering report of May 12<sup>th</sup>; the lines won't be under the walls, the lines will be relocated.

They can comply with Mr. Stern's May 13<sup>th</sup>. They have justified the skewed lot line because of the existing driveway. They will maintain and repair the existing docks as required by the DEP. They have permits. For stabilization, retaining walls and landscaping are proposed. The variance for shed is eliminated and will be located on the new plan.

The landscaping was described. 17 trees will be planted along the shore line, grass and plantings between the walls and pavement. They are not in favor of a Conservation Easement because the site is already constrained by DEP. They can comply with the driveway and retaining wall setback. The architect verified the building height to be in compliance. They will make modifications and show details of the walls along with stability calculations and where concrete starts and ends.

This is a homestead lot, if there is specimen tree removal, that will warrant replacement trees but they will get credit for the planting of the DEP trees. They will comply with the Health Department report dated 5/6/11 and the Fire Official's report dated 5/12/11. They need a design waiver for 30' width of Kingsland because the road is only 12-15 feet wide and there is not adequate width for a sidewalk. They will comply with buffering along the road. There will be no increase in sewer demand and they can comply with the rest of the items.

They will verify the survey reports. Repositioning the house and the utilization of the lot was dictated by DEP and minimizing steep slope disturbance.

There were no architectural questions. Mr. Zimmerman, a professional planner, was available for testimony but the Board looks at this as a classic C-1 hardship so his justification was not necessary.

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

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

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

Noes: None

MOTION APPROVED.

**OLD BUSINESS:**

**NEW BUSINESS:**

2010 Annual Zoning Report

May, 2011 Development Report

**CORRESPONDENCE:**

NJLM Mayors Advisory, Master Plan modification – 10 years

The meeting was adjourned at 10:22 p.m.

FOR THE PLANNING BOARD  
TOWNSHIP OF ROXBURY

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Eugenia Wiss, Board Secretary