

August 7, 2019
PLANNING BOARD MINUTES

A Regular meeting of the Township of Roxbury Planning Board was held on August 7, 2019 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: Michael DiDomenico, John Wetzel, Jim Rilee, Shawn Potillo, Jacquie Vitiello, Tom Carey, Amy Overman, Robert DeFillippo and Charlie Bautz. Michael Shadiack arrived at 7:36 p.m.

ABSENT:

STAFF: Tom Germinario, Esq.
Russell Stern, P.P.
Paul Ferriero, P.E.

MINUTES: July 17, 2019

Motioned by Mr. Carey and seconded by Mr. DeFillippo to approve.

Ayes: Mr. Carey, Mr. Rilee, Ms. Vitiello, Mr. DiDomenico, Mr. Wetzel, Mr. DeFillippo, Mr. Potillo, Mr. Bautz

Abstain:

Noes: None

MOTION APPROVED.

PBA-19-014 ROXWOOD ASSOCIATES LLC. BLOCK 9401, LOT 13.01 1550-1800 Rt. 46

Final Site Plan Approval for Sections A & B for resident occupancy in the completed buildings.

Motioned by Mr. Rilee and seconded by Mr. Carey to deem complete.

Ayes: Mr. Carey, Mr. Rilee, Ms. Vitiello, Mr. DiDomenico, Mr. Wetzel, Mr. DeFillippo, Ms. Overman, Mr. Potillo, Mr. Bautz

Abstain:

Noes: None

MOTION APPROVED.

APPLICATIONS:

PBA-19-014 ROXWOOD ASSOCIATES LLC. BLOCK 9401, LOT 13.01 1550-1800 Rt. 46

Final Site Plan Approval for Sections A & B for resident occupancy in the completed buildings.

This application was carried from the July 17, 2019 meeting.

Stephen Santola, Esq. appeared on behalf of the applicant. He thanked the Board for accommodating them since they have multiple buildings in most of their projects and they move the residents in while some of the other buildings are under construction. The leasing is going well; they have 22 or 23 leases and hope to move people in starting September 1st. They still need subsequent C.O.'s. They have worked to address our professionals' requirements. Howard Irwin, Senior Vice President of Construction, was present along with Steve Caporaso, the Roxbury Project Manager.

Mr. Irwin presented an overall aerial drone picture marked Exhibit A-1 taken yesterday showing Pods 1 through 3. Mr. Shadiack arrived at 7:36 p.m. Exhibit A-2 was an aerial of Pod 1. This is the highest elevation showing Buildings 1 and 2 under construction. As soon as the roof is on Building 2 and exterior done they will be coming back to the Board for this pod for Final Site Plan. Exhibit A-3 was Pod 2, an aerial showing 4 buildings with landscaping. The amenities were 90% complete and they were working to complete them by September 1, 2019. An aerial of Pod 3 was marked A-4. This is the lowest elevation and they were completing the retaining walls and will put in foundations next week, frame in the winter and completion of the project is anticipated in June of 2020.

They had prepared a Public Safety Plan for the Board to make sure the residents who take occupancy are safe while living there during construction. They provided 3 signed, sealed copies and made one change based on the professionals' comments. The plan was marked Exhibit A-5. Orange barricades, signage and safety fences were shown on the plan. The leasing is done through the internet now and they are aggressively marketing it and the response has been good. The market unit range is about \$2,250- 2,300 for two bedroom and \$1,900 for one bedroom apartments. They will provide a demographic on salaries, children and work place for the tenants in the future. They have a list of interested affordable housing tenants for two of the buildings. The municipality and Roxwood have a company that screens the applicants for affordable housing as the State has strict regulations on eligibility. Woodmont also monitors it. They have a good administrative agent for the affordable units that was approved by the Governing Body. There is a link on the Municipal website. The total number of units is 230 and 46 are affordable housing units. They will be back to the Board with applications as the buildings are completed. Mr. Bautz got clarification of the circulation of the driveway shared by contractors and residents, the phasing schedule and fencing.

Exhibit A-6 is a picture of the side of Building 4 and Exhibit A-7 was the architectural rendering of Building 4 to show that the shutters did not fit well. Mr. Stern agreed that the shutters were not necessary. The construction trailer will be removed after the C.O. is issued along with temporary signs. The bike rack was removed because the storage of bicycles will be inside of Building 3. Building 3 will also have parcel package system in it for Amazon deliveries. They will top coat before the winter and the monument sign will be installed later to avoid damage.

They can satisfy the comments in the reports from the Planner dated 6-30-19 and Engineer dated 8-5-19. Regarding the timing of the removal of the construction trailer, it will be removed when they move their office into Building 5. Mr. Ferriero said they are moving forward on addressing his wall comments.

A draft Resolution had been submitted to the Board. Mr. Germinario went through the Resolution with the Board. Mr. Rilee asked the status of the detention basins. That was not being addressed in this approval.

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. DeFillippo to approve the application and Resolution subject to the corrections and anything put on the record this evening and effective immediately.

Ayes: Mr. Carey, Mr. Rilee, Ms. Vitiello, Mr. DiDomenico, Mr. Wetzel, Mr. Shadiack, Mr. DeFillippo, Ms. Overman, Mr. Potillo, Mr. Bautz

Abstain:

Noes: None

MOTION APPROVED.

RESOLUTION:

ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION

Decided: August 7, 2019
Memorialized: August 7, 2019

IN THE MATTER OF ROXWOOD ASSOCIATES, LLC
PARTIAL FINAL SITE PLAN APPROVAL
BLOCK 9401, LOTS 13.01
APPLICATION NO. PBA-19-014

WHEREAS, Roxwood Associates, LLC (hereinafter the "Applicant") applied to the Roxbury Township Planning Board (hereinafter the "Board") for partial final site plan approval on 6/28/19; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 8/7/19; 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 56.9 acres located in the R-5 Multi-Family Residential District. By Resolution memorialized 7/15/15, Applicant was granted amended preliminary major site plan approval with variances and design waivers to construct 230 non-age-restricted luxury rental units, including 46 affordable units. The Applicant is now before the Board seeking final site plan approval for Building #4, which includes community facilities (gym, meeting space, offices, unit model, etc.) and rental units. The "Public Access Safety Plan" identifies the area in which final site plan approval is requested, which spans from the access road off of Route 46 to the parking lots and dumpster enclosure needed to service Building #4.

2. The 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 Ruggiero Plante Land Design – dated 12/23/14, revised 2/13/18
- Comprehensive Site Plan (including final site plan approval area)

- Prepared by Matt Hainzl, PE
- Public Access Safety Plan, dated 7/31/19

- Prepared by Civil & Environmental Engineering, Inc.
- Sheet 1 of 1, Plan of Survey, dated 7/30/19
 - Sheet 1 of 1, Infrastructure As-Built Buildings 1-6, dated 6/27/19, revised 7/30/19
 - Sheets 1 to 3, Utility As-Built Buildings 1-6, dated 6/27/19, revised 7/30/19

- ALTA/NSPS Land Title Survey, dated 10/11/18
- Sheet 1 of 1, Barone Street & Route 46 Sanitary As-Built Plan, dated 9/21/18
- Sheets 1 to 3, Route 46 Water Main As-Built, dated 2/7/19, revised 7/10/19

3. The Board's planning and engineering professionals and Township officials submitted the following reports concerning their respective reviews of the application, which are part of the hearing record:

Russell Stern, PP, dated 7/12/19 and 7/30/19
Paul Ferriero, PE, dated 7/12/19 and 8/5/19
Michael Kobylarz, PE, dated 8/2/19
Michael Pellek, Fire Official, dated 7/10/19

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

- A-1 Overall aerial drone photo
- A-2 Pod 1 aerial drone photo
- A-3 Pod 2 aerial drone photo
- A-4 Pod 3 aerial drone photo
- A-5 Public Access Safety Plan, signed and sealed
- A-6 Photo of Bldg. #4, right side elevation
- A-7 Architectural Bldg. #4, right side elevation

5. In the course of the public hearing, the Applicant was represented by Stephen Santola, Esq., and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Howard Irwin, Woodmont VP Construction
Steven Caporaso, Site Project Manager

6. The Board finds that the Applicant has constructed the referenced portion of project substantially in accordance with the approved preliminary site plans, subject to the completion of those items set forth in the conditions herein below.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the partial final site plan as depicted and described in the drawings and/or plans referenced hereinabove.

This approval is subject to the following conditions which shall, unless otherwise stated, be satisfied prior to the issuance of a temporary certificate of occupancy:

1. The following items shall be completed prior to issuance of a Permanent Certificate of Occupancy:

A. Pool area and cabana (anticipated by 9/1/19)

B. Applicant will top coat each section of the project when the ongoing construction will not damage the final product. The plan will be based on the following:

Pod 1: COAH Bldgs. – Top coat will be installed when both buildings are completed.

Pod 2: ½ of the pod will be paved when Bldgs 3 and 4 are completed. The other ½ will be completed when Bldgs 5 and 6 are completed.

Pod 3: ½ of the pod will be paved when Bldgs 7 and 8 are completed. The other ½ will be completed when Bldgs 9 and 10 are completed.

The main boulevard will be installed when the last section of Pod 3 is completed.

C. The monument sign will be installed.

2. The following items shall be completed prior to issuance of a Temporary Certificate of Occupancy, unless otherwise indicated:

A. All safety related site plan elements shall be completed prior to the issuance of a temporary certificate of occupancy. Inspections for safety purposes shall be conducted by Township Officials including, but not limited to the Township and Board Engineers, Construction Official, Fire Official, Township Planner.

B. The Applicant shall address how access to the active construction areas will be restricted.

C. Install safety fence to restrict access to the ongoing pool construction.

D. Install building and unit numbers.

E. Complete installation and painting of building exterior.

F. Install the missing decorative closed gable louver on the southernmost gable along the rear building elevation.

G. Remove temporary leasing trailer after issuance of Bldg.#4 TCO, upon opening of permanent leasing office in Bldg.#4.

H. Remove construction trailer by 9/30/19.

I. Connect downspouts.

J. Complete installation of decorative freestanding lights and wall lights.

K. Clean/repaint damaged decorative freestanding lights, as needed.

L. Complete installation of Woodmont Boulevard center islands.

M. Remove damaged chain link fence along Woodmont Boulevard and replace with split rail fence with black vinyl mesh.

N. Repair damaged curb and sidewalk.

O. Provide safety rail along the sidewalk to the entrance of the bicycle/storage/virtual room in Building #3.

P. Remove construction debris.

Q. All improvements as specified on the approved plans shall be constructed/installed, which include but are not limited to the following:

- a) Traffic signs
- b) Street signs
- c) "No Parking Fire Zone" signs
- d) Trash enclosure
- e) Sidewalks
- f) Irrigation
- g) Landscaping and sod

R. Fire Zones No Parking signs and pavement markings shall be installed.

- S. Truss Roof and Floor signs shall be installed on each building.
- T. Fire Department Connection signs shall be installed for each building fire sprinkler system.
- U. Fire Sprinkler System doors shall have the proper signage installed.
- V. Fire Alarm Panel Doors shall have proper signage installed in the interior of each building.
- W. Fire Department Pre-plan walk thru shall be set up and conducted for each building prior to any certificate of occupancy being issued.
- X. Regarding the Public Safety Access Plan:
 - (a) The plan shall include the name and signature of the professional by whom it was prepared. The final document shall be signed and sealed.
 - (b) The area opened to the public shall include the dog run, if possible.
 - (c) It is recognized that some of the improvements that are shown to not be installed are under construction and in various stages of completion, such as the boulevard curbing. The plan DOES NOT need to be updated to reflect these conditions until such time as the next application for final approval is submitted.
- Y. Regarding Infrastructure As-Built Buildings 1-6:
 - (a) All detention basins shall be shown with as-built contours and stage-storage and stage/discharge charts that provide a comparison to the design plans. The Applicant has requested a waiver for supplying the comparison charts. The Board has no objection to a waiver for the purposes of the review of Building 4, however the information shall be provided when the next round of buildings is in for final approval.
- Z. Regarding Utility As-Built Buildings 1-6:
 - (a) The elevations in Pond "B" are generally higher than the design elevations, which would indicate that the available storage is less than designed. While the cover letter indicates that this is related to the fact that the basin is currently a sediment basin, the figures in question relate to the invert elevations of the various structures and not the ground elevations. Additional backup shall be provided with the next application.
 - (b) The Applicant is requesting a waiver from providing storm and sanitary as-built profiles and will submit them "for areas with significant deviations". While this is acceptable for Building 4, those areas with significant deviations should be identified before the next application.
- AA. Regarding Barone St. and U.S. Route 46 Sanitary As-Built Plan:
 - (a) Profiles shall be submitted for the offsite sanitary sewer system.
 - (b) The Applicant shall submit approval of the construction from Netcong Borough.
- BB. Regarding Route 46 Water Main As-Built:
 - (a) Approval by the Roxbury Water Utility is required.
- CC. Regarding Condition of Improvements/Status of Construction:

- (a) Retaining Wall 5 (the wall below the main access road) has never had the design plans approved. A number of comments have been made and have not been satisfactorily addressed. Of particular note is that the design calculations assume a level grade below the retaining wall and the as-built condition has a steep slope away from the wall immediately adjacent to this. This is a significant departure from the design drawings and calculations submitted. While the Applicant states that their engineer will certify the wall, it must clarify what design will be certified.
- (b) laPrior to temporary certificates of occupancy, all of the following must be completed:
 - (i) MCSCD Certificate of Compliance
 - (ii) Site access safety fencing, bollard lighting, accessible ramps, downspout piping, dumpster area and traffic control signs must be completed.
 - (iii)Landscaping completed to the satisfaction of the Township Planner.

3. All conditions of approval contained in the 7/15/15 Resolution of Memorialization remain applicable. The following conditions from the 2015 Amended Preliminary Site Plan Resolution are reiterated:

- A. The disposition of the out parcels to Township ownership shall be resolved prior to final site plan approval of Pod ‘C’ (Condition 30 of the 7/15/15 ROM).
- B. Pursuant to Condition 62 with reference to condition 8 of the 2006 Resolution, conservation easement language shall allow infill landscaping.
- C. Pursuant to Condition 62 with reference to Condition 45 of the 2006 Resolution, the Applicant shall address the status of Title 39 enforcement of traffic and parking regulations.
- D. Condition 7 – Continuing condition of approval; mix of affordable units available for low income and moderate income households.
- E. Condition 13 –Continuing condition of approval; affordable unit mix per NJ statute and regulations.
- F. Condition 14 –Continuing condition of approval; size of affordable units shall meet or exceed the size required per any applicable regulations of the Council on Affordable Housing.
- G. Condition 17 –Continuing condition of approval; common use of all community amenities with no additional fees/assessments beyond base rent.
- H. Condition 30 – Continuing condition of approval; deed restrict against further development on Block 9401, Lots 1 and 12. Also includes provisions for a conversion application. These properties will be deeded directly to the Township prior to the Pod ‘C’ final approval.
- I. Condition 32 – Continuing condition of approval; rent-to-own conversion terms included in tenant leases.
- J. Condition 33 – Continuing condition of approval; capital infusion for improvements in the event the rental apartments cannot be successfully converted to for-sale units.
- K. Condition 34 – Continuing condition of approval; affordable housing obligations.
- L. Condition 35 – Continuing condition of approval; 30 year deed restricted affordable housing obligation.
- M. Condition 36 – Continuing condition of approval; phasing, administration, monitoring and compliance of the Project’s affordable housing in accordance with applicable statutes and regulations.

N. Condition 37 – Continuing condition of approval; construction of affordable housing units concurrent with Pod ‘B’ market rate units.

O. Condition 38 – Continuing condition of approval; connection fees. Connection fees for Building #4 have been paid.

P. Condition 39 – Continuing condition of approval; connection fees. Water and sewer connection fees for Building #4 have been paid.

Q. Condition 40 – Continuing condition of approval; pro rata share.

R. Condition 41 – Continuing condition of approval; fair share contribution payment toward increase in water supply. The fair share contribution has been paid.

S. Condition 42 – Continuing condition of approval; ownership and maintenance of interior road.

T. Condition 47 – Continuing condition of approval; measuring of looped trail distance.

U. Condition 54 – Continuing condition of approval; daily 24-hour on-site maintenance personnel.

V. Condition 55 – Continuing condition of approval; full-time on-site leasing and management.

W. Condition 56 – Continuing condition of approval; market rate unit features.

X. Condition 57 – Continuing condition of approval; affordable unit features.

Y. Condition 58 – Continuing condition of approval; rental apartments with ownership conversion terms.

Z. Condition 62 – Continuing condition of approval; conditions associated with the 2006 Resolution:

a. Condition 2 – affordable housing provisions per Section 13-13-7.1502.1.D and 13-7.826.

b. Condition 9 – restriction for Block 9401, Lots 1 and 12. These properties will be deeded directly to the Township prior to the Pod ‘C’ final approval.

c. Condition 10 – landlord ownership and maintenance.

d. Condition 17 – emergency defibrillators in each pod, cabana, clubhouse and social building. Courses on the operation of the defibrillators shall be offered to the residents.

e. Condition 22 – road names to be approved by the Governing Body.

f. Condition 33 – no attic storage permitted.

g. Conditions 74, 75, 76, 79, 80, 81 and 82 – affordable housing requirements.

4. The following documents shall be reviewed and approved by the Township Attorney and filed prior to issuance of a Certificate of Occupancy:

- Pursuant to Condition 35 Resolution of Memorialization, “..., affordable housing deed restrictions

shall be included in the deed of Roxwood property and run with the land for a period of thirty years from the date of the issuance of the final building certificate of occupancy for the project. The form of affordable housing deed restriction shall be submitted to the Township Attorney for review and approval prior to the issuance of any certificate of occupancy for the Project.”

5. Payment of off-site and off-tract contributions shall be verified, if applicable.

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

7. 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.

8. 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.

9. 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 8/7/19.

Eugenia Wiss, Secretary

PBA-19-008 SYLWAY PROPERTIES INC./NORDIC HOLDINGS, LLC. Block 6803, Lot 5.01 95 NORTH DELL AVENUE

Discussion

Chairman Bautz recused himself from this discussion. Vice Chairman Michael Shadiack took over. This property is also known as Petillo’s property. It was a site that had a major production manufacturing facility for concrete products. The property was acquired by Nordic Contracting and it is actively under construction. The approvals were granted in 2006 and Mr. Stern had been approached by the applicant for field changes, he had reviewed them with Mr. Ferriero and the Township Engineer and they were of the opinion that it makes for a better project and he wanted to inform the Board of the field changes which is a policy when they get more than just a shifting of a plant. Essentially this is what the applicant is doing: there are three buildings, each building has garages for major construction equipment. The approval allowed outdoor storage with fencing. They are requesting concrete aprons to the entrances to the garages, the paved driveway aisles between the buildings were originally gravel and now will be paved in asphalt. They are modifying the site with two generators with concrete pads and they will be screened from the roadway with landscaping. They’ll be sliding gates to access the generators. The board on board fence trash enclosures would be replaced by masonry enclosures with brick veneer. They provided directional signs, a monument sign with a brick face that complies with the sign code standards. They are making modifications to the landscaping which Mr. Stern felt would be to the betterment of this project. It is the opinion of staff to allow these modifications administratively unless the Board had objections. Mr. Wetzel asked if they will move their

major operation there. They will be operating there but could outgrow that facility and ultimately they have their eye on the old McNear tract. Mr. Rilee vaguely remembered the Sylway application and there is one area on Berkshire Valley Road where you can see the site from the road. Mr. Stern said they are adjusting the berm to make it more effective. It will be screened so it will not be seen from Berkshire Valley Road with the berm and landscaping. The original proposal required fencing that would run parallel to Dell Avenue. Mr. Petillo originally proposed a board on board 8' wood fence and Mr. Stern was not an advocate of this for longevity reasons so now a white PVC fence is proposed and he is suggesting a beige color.

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

NEW BUSINESS:

CORRESPONDENCE:

OPEN TO THE PUBLIC: no one

Motion to adjourn 8:17 p.m.

FOR THE PLANNING BOARD

Eugenia Wiss, Board Secretary