

**SEPTEMBER 19, 2012 MINUTES**

A regular meeting of the Township of Roxbury Planning Board was held on September 19, 2012, 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. Shadiack, Councilman Rilee, Councilman Zoschak, Mr. DeFillippo, Mr. Carey, Mrs. Lutz, Mr. Meyers, Mr. Silcox and Mr. Bautz  
**ABSENT:** Mr. Verge and Mr. Meyer  
**STAFF:** Mr. Germinario, Mr. Stern and Mrs. Wiss  
**EXCUSED:** Mr. Ferriero

**MINUTES:** July 18, 2012

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

Ayes: Mr. Shadiack, Councilman Zoschak, Councilman Rilee, Mr. DeFillippo, Mr. Carey, Mr. Meyers and Mr. Silcox

Abstain: Mr. Bautz and Mrs. Lutz

Noes: None

MOTION APPROVED.

**RESOLUTIONS:  
COMPLETENESS:**

**PBA-12-10 WALMART STORES, INC. Block 6304, Lot 1, 401 Route 10**

Minor Site Plan & Variance Application to be open for 48 hours.

The staff's recommendation is to deem the application complete with completeness waivers as this involves no site modifications.

Motioned by Councilman Rilee and seconded by Mrs. Lutz to deem complete with the associated waivers Mr. Stern outlined.

Ayes: Mr. Shadiack, Mrs. Lutz, Councilman Zoschak, Councilman Rilee, Mr. DeFillippo, Mr. Carey, Mr. Meyers, Mr. Silcox and Mr. Bautz

Noes: None

MOTION APPROVED.

**APPLICATIONS:**

**PBA-12-10 WALMART STORES, INC. Block 6304, Lot 1, 401 Route 10**

Minor Site Plan & Variance Application for Extended Hours

Attorney Tracey Siebold from the Ballard Spahr Law Firm represented the applicant. They want extended hours on "Black Friday" from 11:00 p.m., Thanksgiving night until the following morning at 6:00 a.m. for this year only which is a C-variance. They had three witnesses, Engineer Michael Moonan, Planner Betsy McKenna and Store Manager Roy Longyhore.

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Michael Moonan, their engineer was sworn in to discuss Exhibit A-1 which was the zoning district overlay on a scaled 11"x 17" plan that the Board had, dated 9/19/12. He described the site and surrounding zones and streets. There are three full access points along Mary Louise Drive and on the far northwest corner there is a one way out. Lake Street and Righter Road also have a full movement access. The Exhibit showed 200' from the property line with the zones. Five single family dwellings were located along Mary Louise Drive in the R-3 zone and notice was given to all the property owners.

The Walmart Store Manager, Roy Longyshore, was sworn in. The times the store will be open would be Thursday, 7 a.m. to midnight and midnight to 10 p.m. Friday night. He did this in his Hackettstown store and customers liked the 10 p.m. and 12 a.m. specials; it is now a 24 hour store. He hired extra security. Mount Olive also wanted extended hours and were approved. Security will be in multiple locations, barricades will divert traffic and there will be a serpentine line for the entrance and people posted at locations. There will be security at the front of the store and at the electronic section. They have hired security and three policemen in the past.

It was suggested to block off some of the parking spaces facing Mary Louise and have their employees use the other parking near there. This application is for one year only, 2012. They usually don't have parking lot patrol, the police stay in their cars and lot patrol was recommended. On a busy Saturday they have 3,600 customers. Their hours are now 7 a.m.-10 p.m. Because Walmart had a problem with a stampede in New York, the planning inside the store has been carefully arranged to avoid any problems. They have a serpentine line into the store, have Q-stations and hand out tickets to avoid a stampede. The individual lessees of the mall were not noticed and to their knowledge no other tenants will be open all night. They will close their entrance to the Mall unless they have to move people out. The Mall is 80% vacant. The security plan is pretty thorough after the incident in New York and could be reviewed by the police. Walmart Corp. classifies this as a Class 3 tier security risk, one being the highest of three. They would prefer to use access on Mary Louise and not divert traffic. Clarification of the hours: Thursday, 11/22/12 open at 7 am and close 10 pm Friday night

Elizabeth McKenzie, Professional Planner, was sworn in. She reviewed the hours permitted according to our Ordinance and reiterated this was a one time deal, it is experimental. They don't meet 200' set back from R-3 zone so it is a C-variance. Righter Road has a greater buffer than 200 feet. She felt the employees should use the parking closer to the R-3 zone. The Board did not think blocking of Mary Louis Avenue was necessary. They are asking for minimal relief for one time. The lot was developed for commercial uses. It would promote general welfare by relieving congestion and it is better to spread the traffic out in that area.

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

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

Ayes: Mr. Shadiack, Mrs. Lutz, Councilman Zoschak, Councilman Rilee, Mr. DeFillippo, Mr. Carey, Mr. Meyers, Mr. Silcox and Mr. Bautz

Noes: None

MOTION APPROVED.

**OLD BUSINESS:**

**NEW BUSINESS:**

**PBA-11-15 ROXBURY ENTERPRISES, LLC. Block 5002, Lot 3, 10 Commerce Boulevard** Discussion on Condition of Resolution

Attorney Paul Nusbaum represented the applicant. They want to obtain a time extension to complete the final top course of paving and stripping until September 12, 2013 and additionally ask to have a final Certificate of Occupancy issued for the bank building because all other requirements of the site plan have been met to be verified by the Planner and Engineer. A bond has been posted for the completion of the paving.

Civil Engineer Joseph Jaworski of Dynamic Engineering was sworn in. He prepared a letter dated September 7, 2012 to the Board requesting an extension because of the environmental conditions on the site related to the Roxbury Chrysler use. One gasoline tank warranted additional testing of soil by the DEP and this area is in the driveway and parking lot. The excavation should take place next month; they'll take soil samples and will need to get contaminated soil out. They will hopefully be able to pave in the Spring but will need a buffer until next September 2013. They also want to get the final paving done as soon as possible. The soil is trucked offsite. They will maintain the striping and ramps for the bank.

There were no issues with extension. They have final site plan approval and a temporary CO for the building. We will need to verify that the bond is extended to next year and inspections will determine if all other conditions of approval have been addressed. There is no tenant for the second building at this time and they will have to come in for final site plan approval for the second pad.

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

Motioned by Councilman Rilee and seconded by Mr. DeFillippo to approve with the contingencies stated.

Ayes: Mr. Shadiack, Mrs. Lutz, Councilman Zoschak, Councilman Rilee, Mr. DeFillippo, Mr. Carey, Mr. Meyers and Mr. Bautz

Abstain: Mr. Silcox

Noes: None

MOTION APPROVED.

A motion to adjourn was made at 8:32 p.m.

FOR THE PLANNING BOARD  
TOWNSHIP OF ROXBURY

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Eugenia Wiss, Board Secretary