

JANUARY 7, 2009, MINUTES

A regular and reorganization meeting of Planning Board of the Township of Roxbury was held on January 7, 2009, 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 2009. James Rilee was reappointed as Council liaison for 1 year, Richard Zoschak was reappointed by the Mayor, Linda Lutz was reappointed as a Class IV member, Joseph Schwab was reappointed as an alternate, Scott Meyer was reappointed as a Class IV member and Andre Verge was appointed as a Class II member

BOARD MEMBERS PRESENT: Michael Shadiack, Larry Sweeney, Linda Lutz, Andre Verge, Richard Zoschak, James Rilee, Robert DeFillippo, Scott Meyer

ABSENT: Charles Bautz, Steven Alford and Joseph Schwab

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

Also present: Eugenia Wiss, Board Secretary

REORGANIZATION:

Mrs. Wiss asked for nominations for Chairperson

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

Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Verge, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes

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. Zoschak seconded. There were no further nominations.

Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Verge, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

Mr. Meyer asked for nominations for Board Secretary.

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

Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Verge, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

Resolution 1:

RESOLUTION TO RETAIN A PLANNING BOARD
ATTORNEY AND CONSULTING ENGINEER

WHEREAS, there exists a need within the Planning Board for the retention of an Attorney and Consulting Engineer; and

WHEREAS, the funds are available for these purposes; and

WHEREAS, Section 40:55D-24, Article 15 of the Municipal Land Use Law states that the Planning Board may employ, or contact for, and fix the compensation of legal counsel, other than the municipal attorney, and experts, and other staff and services as it may deem necessary, not exceeding the amount appropriated by the governing body for its use; and

WHEREAS, the Local Public contracts Law (N.J.S.A.40A:11-1 et. Seq.) requires that notice of the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Roxbury, as follows:

1. The Chairman and Secretary of the Board are hereby authorized and directed to enter into an agreement with the following consultants for the year 2009.
2. Thomas Germinario, Esq. is retained to serve as Counsel to the Board during the calendar year 2009.
3. Ferriero Engineering is retained to serve as Consulting Engineering to the Board during the calendar year 2009.
4. These contracts are awarded without competitive bidding as a "Professional Service" under the provisions of the Local Contracts Law because Planning Consultant services, Engineer Consultant services and Legal services are rendered by persons authorized by law to practice their recognized professions and because such services are of a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of bids.
5. A notice of this resolution shall be published in the official newspaper as designated by the Township Council as required by law within ten days of its passage.
6. This resolution shall take effect immediately.

A motion to approve the Resolution was made by Mr. Zoschak, seconded by Mr. Rilee.
Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Verge, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

Resolution 2

RESOLUTION
TO PROVIDE ANNUAL NOTICE OF MEETINGS

WHEREAS, the Planning Board of the Township of Roxbury, Morris County, New Jersey, must provide annual notice to all regular meetings to be held by said Board during the calendar year 2009.

NOW, THEREFORE BE IT RESOLVED that the schedule of regular meeting dates annexed hereto as Exhibit A, be and hereby declared to be the official list of dates of regular meetings to be held by the Board for the calendar year 2009 being the first Wednesday and third Wednesday of each month.

BE IT FURTHER RESOLVED that said meetings shall commence at 7:30 p.m; unless otherwise called by the Municipal Building, 1715 Route 46, Ledgewood, New Jersey

EXHIBIT A

January 7, 2009
January 21, 2009

July 1, 2009
July 15, 2009

February 4, 2009
February 18, 2009

August 5, 2009

March 4, 2009
March 18, 2009

September 2, 2009
September 16, 2009

April 1, 2009
April 15, 2009

October 7, 2009
October 21, 2009

May 6, 2009
May 20, 2009

November 4, 2009

June 3, 2009
June 17, 2009

December 2, 2009

A motion to approve the Resolution with a minor correction was made by Mr. Rilee, seconded by Mr. Shadiack.

Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Verge, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

Resolution 3

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

A motion to approve the Resolution with the addition of the Roxbury Register was made by Mr. Zoschak, seconded by Mr. Shadiack.

Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Verge, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

Resolution 4

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.

A motion to approve the Resolution was made by Mr. Sweeney, seconded by Mr. Verge.

Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Verge, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

Resolution 5

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.

A motion to approve the Resolution was made by Mr. Verge, seconded by Mr. Sweeney.

Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Verge, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

MINUTES: December 3, 2008

A motion to approve the minutes was made by Mr. Rilee, seconded by Mr. Sweeney.

Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, abs.; Mr. Meyer, yes

RESOLUTIONS:

**PBA-08-015 – Dwight Cooke – Block 3801, Lot 70, 53 Main Street, Succasunna
Preliminary major site plan on Main St., in the B-1A zone.**

ROXBURY TOWNSHIP PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

**Decided: December 3, 2008
Memorialized: January 7, 2009**

**IN THE MATTER OF DWIGHT AND PHYLLIS COOKE
PRELIMINARY MAJOR SITE PLAN APPROVAL
BLOCK 3801, LOT 70
APPLICATION NO. PBA-08-015**

WHEREAS, Dwight and Phyllis Cooke (hereinafter the "Applicant") applied to the Roxbury Township Planning Board (hereinafter the "Board") for preliminary major site plan approval on 7/23/08; and

WHEREAS, the application was deemed complete by the Board, and public hearings were held on 10/1/08, 11/5/08 and 12/3/08; 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 11,934 square feet located in the B-1/A Limited Business District. The parcel is located within the Township's Historic Preservation District but is not designated a historic site. The site is currently developed with a split-level home. The existing dwelling is a pre-existing nonconforming use, as the B-1/A District does not allow single-family dwellings. The property exhibits a number of pre-existing nonconforming bulk standards. A single-family dwelling adjoins the property to the northeast and is zoned R-4 Residence District. Located the northwest and across Kenvil Avenue to the east are single-family dwellings zoned B-1/A. Located across Main Street to the south are mixed-use offices and apartments zoned B-1/A.

2. The development of the subject property proposed by the Applicant comprises preliminary major site plan approval to convert the pre-existing nonconforming residential use to a conforming office use and construct a parking lot for 7 vehicles. Impervious coverage will be increased to 42.7% which is below the permitted maximum of 50%. Public sewer and water will continue to service the building.

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 Suburban Consulting Engineers, Inc. –
Revised 10/16/08

- Sheet 1, Title Sheet
- Sheet 2, Site Layout and Dimensional Plan
- Sheet 3, Grading & Utility Plan
- Sheet 4, Lighting & Landscaping Plan

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- Sheet 5, Soil Erosion & Soil Control Plan & Details
- Sheet 6, Construction Details

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

- Letter of Dwight and Phyllis Cooke, dated 9/30/08
- Letter of Suburban Consulting Engineering, dated 7/17/08 and 10/24/08
- Soil, Erosion and Sediment Control Plan Certification, dated 10/24/07
- Application for Minor Soil Permit, undated

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, AICP, PP, CLA, dated 9/26/08,
updated 10/27/08
Paul Ferriero, PE, PP, CME, LEED, dated 9/25/08,
11/5/08 and 12/1/08

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, Township Engineer,
dated 5/25/07 and 9/25/08
Richard Cramond, Chrm. HAC, dated 9/29/08
Roxbury Environmental Commission, dated 10/18/08

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

A-1 Photo of Existing Free-Standing Sign

8. In the course of the public hearings, the Applicants were represented by their daughter Jennifer Herbert, and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

David Clark, PE, Applicants' engineer

9. The development of the subject property as proposed by the Applicant involves continuation of pre-existing non-conformities with respect to minimum lot area (11,934 SF existing, 20,000 SF required), minimum Kenvil Avenue lot width (92.5 feet existing, 125 feet required), minimum Kenvil Avenue lot frontage (82.3 feet existing, 125 feet required), minimum Kenvil Avenue front yard setback (36.7 feet existing, 40 feet required), minimum Main Street front yard setback (33.9 feet existing, 40 feet required), and maximum floor area ratio (14.8% existing, 15% permitted).

10. In connection with the development of the subject property as proposed by the Applicant, the Board grants relief from the following land use provisions of the Township ordinances:

A variance is granted from Section 13-7.2403K, which requires a 30 foot buffer in addition to the required 20 foot rear yard setback, located along the adjoining northeasterly R-4 property line. The Applicant proposes a buffer from the property line ranging from 5 feet to the existing patio and 10.4 feet to the proposed parking lot. Factors influencing nonconformity include a pre-existing insufficient lot area (11,934 SF existing, 20,000 SF required), and minimum rear yard building setback 20.2 feet (20 feet required).

A variance is granted from Section 13-7.21A01, which requires a 35-foot wide continuous landscape buffer along the adjoining northeasterly R-4 property line. As noted above, the Applicant provides a buffer from the property line ranging from 5 feet to the existing patio and 10.4 feet to the proposed parking lot. Factors influencing nonconformity include a pre-existing insufficient lot area (11,934 SF existing, 20,000 SF required), and minimum rear yard building setback 20.2 feet (20 feet required).

Design waivers are granted from Sections 13-8.701B and 13-8.702E, which require 8 full-access parking spaces. Applicant's plan provides 5 parking spaces and 2 additional parking spaces, for employee use during peak activity, which will block access to 2 of the other 5 spaces.

A design waiver is granted from Section 13-8.703B, as a parcel delivery/pick-up space has not been provided. Testimony indicates that the projected deliveries will not require such a space.

A design waiver is granted from Section 13-8.903N, since the existing freestanding sign has a border less than 2 inches in width, but the reduced border is proportional to the reduced size of the sign relative to the Ordinance maximum.

A design waiver is granted from Section 13-8.602 as the existing Main Street right-of-way width and pavement width are wider than the minimum dimensional standards established by ordinance. Main Street is a historic road with a variety of pavement widths. The Board has no objection since no concerns have been expressed by the Township Engineer or Historic Advisory Committee.

A design waiver is granted from Section 13-8.608A, as the Applicant has not provided curb along the entire length of Kenvil Avenue.

A design waiver is granted from Section 13-8.608A, as concrete curb is proposed along Main Street while granite block curb is required. The Board has no objection as long as the concrete curb type is consistent with the Main Street Improvement Plan.

A design waiver is granted from Section 13-8.610C for sidewalk setback as the location of sidewalk in conformance with the Main Street Improvement Plan will not comply with the standard 5.5 feet setback.

A design waiver is granted from Section 13-8.804B as street trees will not be located between the sidewalk and curb. The Board has no objection as long as the planting pattern of the Main Street Improvement Plan is followed and the trees are slightly shifted to within the right-of-way.

A design waiver is granted from Section 13-8.807D, to allow the Applicant to replace two shade trees along the westerly side of the parking lot (which over time will shade out the Arborvitae used to screen the parking lot from the adjoining home) with an ornamental tree and additional shrubs.

A design waiver is granted from Section 13-8.807E, as shade trees are not provided at the ends of parking bays. Due to size of the property, existing trees and proposed landscaping, the Board has no objection to the waiver, since an ornamental tree has been located adjoining the south of the handicap striping.

11. Based on the hearing record, the Board has made the following findings relative to the variances and design waivers granted to the Applicant:

The Board finds that the relief granted, particularly with respect to the non-conforming buffer adjoining the northeasterly R-4 property/zone line, is warranted in view of the aesthetic improvements to the property associated with implementation of the Main Street Improvement Plan in accordance with the conditions of this Resolution. The relief is justified pursuant to N.J.S.A. 40:55D-70c(2), since the proposed development incorporating the Main Street Improvements promotes a desirable visual environment and thus furthers the purposes of the Municipal Land Use Law. Provided that the Main

Street Improvement Plan is implemented, the Board finds that this relief can be granted without substantial detriment to the public good and without impairing the intent and purpose of the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the preliminary major 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 Board's signature of the preliminary site plan drawings:

1. All site improvements shall be installed not later than August 1, 2009. Within 30 days after installation of site improvements have been completed, Applicant will apply for final site plan approval. Until final site plan approval is granted, the site may be utilized for conforming office use pursuant to a temporary certificate of occupancy, but no permanent certificate of occupancy shall be issued until final site plan approval is granted and any pre-conditions thereof relative to a certificate of occupancy issuance have been satisfied.

2. The building will have no more than one tenant at a time. There shall be no medical use of the building without an amended site plan approval.

3. In accordance with Ordinance Section 13-7.21A04, businesses shall not be conducted on the property between the hours of 11 p.m. and 6 a.m.

4. A sidewalk easement, in a form approved by the Board Attorney and the Board Engineer, shall be granted to the Township for that portion of the Kenvil Avenue sidewalk located within Applicants' property.

5. The planting pattern of street trees along Main Street shall follow the planting pattern of the Main Street Improvement Plan.

6. The curbing transition along Kenvil Avenue depicted on Sheet 4 shall be modified as agreed upon between the Board Engineer and the Applicant's engineer, with input from the Township Engineer and the Township Planner.

7. Hairpin parking stall striping shall be provided (Section 13-8.702(K)).

8. The handicap sign shall be labeled on Sheet 2.

9. Applicant will provide a pre-fabricated Rubbermaid type garbage can enclosure.

10. Improvements as identified on the Main Street Improvement Plan (sidewalk, curb, lighting, street trees) shall be provided and details submitted. The decorative light and sidewalk detail shall be provided on the engineering drawings.

11. Applicant shall comply with County requirements with respect to Kenvil Avenue (County Route 642). Applicant shall provide a handicap ramp at the intersection of Main Street and Kenvil Avenue, subject to review and approval by the Board Engineer.

12. Sheet 1 on the engineering drawings should eliminate reference to "Final" site plan.

13. Morris County Planning Board approval shall be obtained.

14. The landscape plan shall note that existing sparse lawn area will be reseeded.

15. On Sheet 2, the proposed accessible parking sign has been moved, however, the leader that identifies it still points to the former location in the pavement. The leader shall be moved for clarity.

16. Sight triangle easement deeds shall be submitted for review and approval by the Board Attorney and the Board Engineer.

17. The Soil Erosion and Sediment Control Plan must be certified by the Morris County Soil Conservation District.

18. 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 Main Street.
- 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 Main Street.
- 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.

19. 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."

20. Prior to final site plan 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 approval.

21. Pursuant to State law, the Applicant shall pay a mandatory development fee equal to two and ½ percent (2.5%) of the total equalized assessed valuation of the improvements to the nonresidential development. The fee shall be paid prior to the issuance of a certificate of occupancy.

22. 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.

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

24. 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.

25. 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.

26. 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 December 3, 2008.

A motion to approve the Resolution was made by Mr. Rilee, seconded by Mr. Zoschak. Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, abs.; Mr. Meyer, yes

COMPLETENESS:

**Roxbury Commons, LLC. Block 12201, Lot 1.0103 180 Howard Boulevard
Amendment to Preliminary Approval for a change in signage**

A motion to deem the application complete was made by Mr. Rilee, seconded by Mr. Sweeney.

Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mr. Verge, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes.; Mr. Meyer, yes

**Wong Ki Chung Block 3103, Lot 5 103 South Hillside Avenue
Minor Subdivision Application**

A motion to deem the application complete was made by Mr. Rilee, seconded by Mr. Zoschak.

Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mr. Verge, Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

APPLICATIONS:

**Roxbury Commons, LLC. Block 12201, Lot 1.0103 180 Howard Boulevard
Amendment to Preliminary Approval for a change in signage**

John Wyciskala, Esq. represented the applicant. The Roxbury Commons Shopping Center had previously been before the Board for approvals. This application is to expand the size of the sign box on the entrance sign. It is 127 sf and they want to expand it to 138 sf. The shopping center is perpendicular to Howard Boulevard and the center has difficulty with visibility. The Management is having trouble attracting and keeping tenants and has received complaints about the size of the signage. Customers have driven by the site. They don't have the façade signage because the shopping center is perpendicular.

Exhibit A-1 was a photo of the existing and proposed signs. The existing sign required variance approval. They hope better visibility will also make it safer by making it easier to read. The sign is internally illuminated and will continue to be so.

Mr. Rilee had no issues because they are not increasing the true size of the sign other than to insure that the sign be a quality sign that won't deteriorate or fade. Mr. Stern said the orientation of the building and the landscaping justified this type of sign.

The sign contractor, Michael Castoro was sworn in. The sign will be two sided. Mr. Meyer wanted to know the sign options. The tenants will utilize different designs; white is the most common background. The glide in between each tenants' signage will set off the panels. The sign will not be any brighter than what exists. The life expectancy of the graphics is 10-15 years. Mr. Verge was concerned about durability. It is impact resistant. No street number is on the sign; it is on the building on the closest corner to the street. Mr. Zoschak suggested illuminating Roxbury Commons for visibility but they don't require that.

Mr. Stern said the size of a permitted sign is 120sf. They need to add "Roxbury Commons" to architectural plans and incorporate that information. They need to verify post sign dimensions and the borders. The margin is approx 5-5 1/2 "according to Mr. Castoro. They need to update the revision date and make sure the clock is properly functioning.

Mr. Ferriero suggested creating an address block on the side of the sign. This might look cluttered and the sign on the building is very large. "

This matter was assigned PBA-09-001.

A motion to approve PBA-09-001 was made by Mr. Zoschak and seconded by Mr. DeFillippo.

Roll call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

PBA-08-005- Blue Vista, Block 9202, Lot 1,2,9 &10 269 Mountain Rd/Route 206
Site plan for 2 medical buildings, restaurant and warehouse/flex building located in OR-5 zone.

This matter was continued from the November 5, 2008 meeting

John Wyciskala, Esq. represented the applicant. At the November 5, 2008 meeting they had concluded the engineering testimony, went over the revised plans and variances and went through the professional reports except for all of the items of Mr. Stern's September report. They had since received the Dec. 31st report from Mr. Stern. There were no further updates from the DOT although they had filed an access level change application. They had received endorsement from Netcong for the sewer. Mr. Ohmland said wetlands permits are expected.

With regard to addressing the items in the December 31st report from Mr. Stern, Mr. Ohmland discussed the type of guide rail proposed; they wanted galvanized in less visible areas and weathered steel in more prominent areas. This is a Board decision. The rustic or weathered steel costs more than galvanized. Mr. Zoschak wasn't sure that the rustic was more attractive. The internal areas would be galvanized and weathered steel would be used in other areas. Mr. Stern felt using galvanized in the flex building area would be acceptable and in the other areas recommended weathered steel. Item 3.15 design waivers, this matter is resolved, they will make an adjustment. Item 4.13 regarding the illumination of signs: the three designs were acceptable and they would like flexibility and understand they would be subject to Mr. Stern's approval and wanted this item deferred as a preconstruction item with details provided on the engineering drawings. They request two free standing signs on Mountain Road and Route 206. They will file an application for an offsite restaurant sign and this will be the jurisdiction of the zoning board. Item 4.15 requests a setback variance for sign. Item 4.16 regarding façade signs, they asked for multiple signage for identification on each of the buildings. Mr. Ohmland brought out Exhibit A-2, dated May 1, 2008 and referred to architectural plans revised 12/12/08. They wanted one sign on each façade on the medical building, three-story building and the flex building for traffic from two directions and for corporate identification on the three-story medical building that faces Route 80. The size of the signs will be 15'x 3', 45sf, the size is appropriate to size of the building but two signs require a variance. They have also incorporated small, internal directional signs. Directory sign pictures were handed out.

Mr. Stern said a new tenant can modify the text but not the size. Identity signs are for corporate identity pride. They proposed six internal directory signs, 4 sf or less are permitted. Some signs need to be larger, 10 sf because it is necessary for their content. Mr. Rilee did not have a problem with two signs on the buildings but they are a little large if there are internal signs. Mr. Zoschak thought the building signs were supposed to be Buildings A, B, C. Mr. Ohmland didn't want to give that impression. The signs will identify the building. Mr. Meyer felt with directional signs then only one sign on the main building entrance would be necessary. Mr. Ohmland felt because there are two approaches this could be a problem. Mr. Ohmland said the code permits 10% of façade

for signage and they are well under that even with two signs. The two corner signs are sized to fit into the design of the building and they are also concerned with aesthetics. The directional signs would also be tasteful, 10' sf. proposed, elevated 4' off the ground, non-illuminated.

Item 6.2, was for a variance, no more than 10% of front yard of the office building can be consumed by parking lots. They will provide landscaping to mitigate this. Regarding the design waiver for curb islands referenced in Mr. Stern's Sept 6th report, the back bay could not accommodate an island so the applicant will provide a shade tree to the south that will mitigate this, the applicant agreed. Any comments skipped means they will satisfy. They are asking relief from the variance requiring 15' from of the flex building to the parking because there is no sidewalk needed here, 7 1/2' is asked for. Site conditions prevented more and they would like relief. Mr. Stern agrees there is no sidewalk, if the side elevation has landscaping, there would not be a detriment in granting the variance along. Mr. Ohmland said there is no landscaping on the north side because no one will be looking at it. Mr. Stern said landscaping is not a priority area there.

Item 7.3. there is a conflict in the ordinance, 75' and 100', so a variance is needed but they will mitigate by additional landscaping Mr. Stern felt the proposed setback would not be detriment to the public. Mr. Ohmland agreed to reasonable infill plantings after clearing.

Regarding the variance for a 9' wide island in the 51 spaces in the back, they don't want an island at the flex building in the back of a loading area because it is an impediment for plowing and truck movement.

The only banked-area parking proposed is in the flex building area and they will build this only if necessary. Mr. DeFillippo was concerned about parking vehicles near a loading area and the safety issue of not having a sidewalk with truck activity. Mr. Ohmland said with better tenants there is less of a problem with safety.

The three-story medical parking requires an island where practical for the 124 parking spaces plus 29 on the isle, exceeding the requirement of 100. To limit site disturbance Mr. Stern supported this design waiver. Item 8.2 for a variance parking lot setback was 60', they are proposing 37.8'. This parking lot faces Route 80 and they agreed to satisfy Mr. Stern's landscaping requirements.

Item 8.3, regarding the 15' parking setback requirement: they propose 12.7' but for a bump out 11' for the entrance and are restricted by wetlands and parking requirements and propose a nice sidewalk and landscaping. They agreed to a decorative scoring pattern in the sidewalk.

Item 9.5 regarding moving the overhead lines on Mountain Road underground: they will work with JCP&L and get an optimum solution, however this can be very expensive. Mr. Ferriero agreed high level service lines can be extremely expensive and this could be a

burden on applicant. Mr. Ohmland will make a reasonable effort. They will have all wires internally underground but not the poles along Mountain Road if cost prohibitive.

Item 11.4, design waiver for an 8' height on recycling building: they will be masonry with the exception of the flex building that will be chain link. The gate for restaurant area will be pushed forward.

Referring back to the Dec. 31st memo concerning tree removal and landscaping: they have done more field locations to project disturbance and the tree replacement number has dropped about 150 trees. They can't replant all the trees onsite. 443 trees need to be replaced; 233 can be planted onsite leaving 210 short. They are asking relief from this cost burden of the tree fund ordinance because of the Mountain Road, water and sewer improvements. They could do other types of landscaping on site. Mr. Ferriero suggested they section off an area in the forest protected from the deer and plant smaller trees. The Board can grant relief from the tree ordinance. Mr. Stern felt a well landscaped site could provide mitigation to the amount of trees required. Mr. Wyciskala pointed out a tree ordinance has been appealed Florida. The tree fund ordinance payment requires two times the wholesale value per tree removed.

There was a height question because of the addition of a basement for storage only but Mr. Ohmland said the height was in compliance. The basement was 100% below grade. Mr. Stern was concerned about exposed basement on the 3-story medical building because of the grade and a variance might be required.

The height of the directional signs will be 5'4"; they do not want to do monument signs. They agreed to compatible, integrated project details. Regarding sidewalks on Mountain Road and Route 206 they will grade the area on Mountain Road only. They agreed to one internal sidewalk from the two-story medical building to the restaurant and graded areas only in the internal areas. Sidewalks on Mountain Road would require a wall and the grass swale was needed for drainage. Historically the Board had granted sidewalk requirement waivers but now they regretted it because people are walking and using bikes even on Route 10. Internally they could put a sidewalk from the entrance that would reduce some of the landscaping. They can provide more sidewalks. Mr. Rilee said although the Township needs a tree fund, the amount could be reduced because the area has a conservation easement.

There was a 15 minute break. Mr. Wyciskala addressed design waivers in the Oct. 29, 2008 landscape report from Mr. Stern; they will comply or will provide greater compliance with his recommendations except for Item 2.12, they don't want to screen the restaurant with the recommended evergreen screen and will move the gate on the trash enclosure forward so the dumpsters are screened. Item 2.43, they clarified that they will irrigate the specialized plantings around the building, not the whole project.

The three-story medical building's height has changed; it has full exposed basement facing Rt. 80 and they don't know what the height will be. Mr. Ferriero said it is also exposed on east side. They will have that detail for the Board at the next hearing.

Regarding the sidewalk along flat area of frontage on Exhibit A-9, dated 10/15/08, a sidewalk will be woven around the landscaping in the entrance and into the project to the restaurant. That will be put on a plan. Both sides of the entrance will be shown on the revised drawings with sidewalks.

Regarding the trees: This is a difficult site and they are retaining a lot of trees and are replanting as many as possible and asked the Board to waive the remainder of the removal tree fees. They will provide the Board more information on the trees at the next meeting.

They will consent to reduce the size of the signs on the buildings but will provide better visuals, colorized, of what they want for the Board to decide finally on at the next meeting.

With regard with Mr. Ferriero's Dec. 2, 2008, report they agree with everything. They want a chain link fence enclosure in the Flex building area because they want to be able to move dumpsters when tenants move, the detail needs to be on the plans. They will keep the dumpster enclosures in good repair.

They will do the grading easement as it was shown on the plan but they need to make sure the township engineer is okay with signage on Mountain Road. They will address that for next meeting. They agree with all the other technical requirements of Mr. Ferriero.

The meeting was open to public. Mr. Rich Shernce, 250 Mountain Road, showed the location of his house that his parents built in 1959 on the Exhibit. He was concerned about the blind curves and slope and the entrance/exit on Mountain Road. There have been some horrific accidents on this road. Poet Peak residents use this road to go to work and speed. Visibility is a problem. The proposed exit is a problem. His property was also damaged by the applicant's excavators and he was concerned about nearby wells.

Mr. Meyer said they had traffic experts testify on this application previously. The applicant will provide public water so this project will not affect nearby wells. He was also concerned about light pollution, noise pollution, how it would look from his property and affect his property value.

Mr. Ohmland had previously provided exhibits on sight lines and he felt he would not see the project. DOT won't let them exit on Route 206 and this Board has wanted them to try to change this access. Because the project is below his property, drainage should not impact him.

Mr. Shernce said the gas station is noisy. There is a noise ordinance and he needs to report them because they need to comply with the noise ordinance. The office building will be the buffer between the restaurant and his home. Mr. Shernce didn't know how a truck could turn onto Mountain Road but this issue had been addressed by traffic experts.

Valerie Wolfe said the natural tree buffer has no vegetation until you get to the top. She would like to see an evergreen buffer. Mr. Ohmland said they will provide plantings along the border of the woods but can't plant in the forest. Mr. Stern will look at property and maybe consider some offsite landscaping.

She was concerned about safety on Mountain Road. The proposed traffic light may be a huge benefit to safety in Mountain Road. She liked the natural looking guard rails and was assured she will not see the galvanized rail from her house.

Brian Shernce was buying 250 Mountain Road and noted a request to waive the landscaping expense. He would like a buffer for his property. Mr. Ohmland said there was a concern about damaging personal property during planting; it could get a little sticky also with maintenance and watering issues. Mr. Shernce doesn't want the development to proceed at the neighbors' expense.

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

This matter was carried to the 4th of February, with an extension granted and no further notice required.

OLD BUSINESS:

NEW BUSINESS:

Mr. Stern would like to utilize email more. The Board members will contact the Secretary as to their preferences. The plans and drawings will continue to be mailed and copies of reports and correspondence will be two-sided where possible.

They will finish the Land Use Ordinance revisions but future projects are limited because of budget concerns. COAH is funded through the housing element fund and Highlands is budgeted through the Highlands Council.

The meeting was adjourned by motion at 10:40 p.m.

Eugenia Wiss, Board Secretary