

MAY 6, 2009, MINUTES

A regular meeting of Planning Board of the Township of Roxbury was held on May 6, 2009, at 7:30 p.m. in the Municipal Building at 1715 Rt. 46, Ledgewood, N.J. with Chairman Scott Meyer presiding. After a Salute to the Flag the Chairman read the "Open Public Meetings Act".

BOARD MEMBERS PRESENT: Michael Shadiack, Andre Verge, Richard Zoschak, Robert DeFillippo and Chairman Scott Meyer

ABSENT: Charlie Bautz, Linda Lutz, Larry Sweeney, Joseph Schwab and James Rilee

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

Also present, Eugenia Wiss, Board Secretary.

MINUTES:

A motion to approve the minutes of March 18, 2009, was made by Mr. Zoschak, seconded by Mr. Shadiack

Roll Call: Mr. Shadiack, yes; Mr. Zoschak, yes; Mr. Verge, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

RESOLUTIONS:

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.

ROXBURY TOWNSHIP PLANNING BOARD

RESOLUTION OF MEMORIALIZATION

Decided: February 4, 2009

Memorialized: May 6, 2009

IN THE MATTER OF BLUE VISTA CONSULTING, LLC
PRELIMINARY MAJOR SITE PLAN AND MINOR SUBDIVISION APPROVAL
BLOCK 9202, LOTS 1, 2, 9 AND 10
APPLICATION NO. PBA-08-005

WHEREAS, Blue Vista Consulting, LLC (hereinafter the "Applicant") applied to the Roxbury Township Planning Board (hereinafter the "Board") for preliminary major site plan and minor subdivision approval; and

WHEREAS, the application was deemed complete by the Board, and public hearings were held on 5/7/08, 6/4/08, 10/15/08, 11/5/08, 1/7/09 and 2/4/09; 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 62.13 acres of mostly vacant land fronting on Route 206 and Mountain Road at the southeast quadrant of the Route 80/Route 206 interchange. Route 206 is located to the west, Route 80 to the north and Mountain Road to the southeast. Lots 1, 2 and 10 are zoned OR-5 Office Research. The properties are vacant and contain a 100 feet wide JCP&L easement with wooden poles and power lines, steep slopes in excess of 25%, isolated wetlands, and intermediate value wetlands with a 50-foot transition area. Lot 9 is zoned B-1/A Limited Business District and contains a single family dwelling as well as similar environmental constraints as the remainder of the tract.

The tract is located within the Highlands Planning Area, the PA-5 Environmentally Sensitive Planning Area, and is within the service area of the Musconetcong Sewage Authority (MSA) and Roxbury Township water. No non-public and public community wells are located within 500 feet of the subject property

Adjoining properties to the east and southeast are zoned R-1 Residential District and developed with single-family homes with the exception of Lot 21 which is vacant. These lots are located at a higher elevation than the subject property. To the south is B-1/A zoned land and Mountain Road. Across the road is land owned by the Borough of Netcong. Adjacent to the tract to the southwest is Lot 8 which is zoned B-1/A and developed with a gas station/convenience store. To the west is Route 206 and an access ramp to Route 80. To the north is Route 80.

2. The development of the subject property proposed by the Applicant comprises minor subdivision/lot line adjustment to combine existing Lots 1, 2 and 10 into a new Lot 1 encompassing 59.17 acres within the OR-5 District in conjunction with a lot line adjustment with adjacent Lot 9. Existing Lot 9, with B-1/A zoning, will be reconfigured into a 2.96-acre parcel (after right-of way dedication and the lot line adjustment). Lot 1 will be developed with a 2-story 24,212 square feet medical office building located near Mountain Road, a one-story 63,200 square feet flexible office/warehouse building centrally located, and a three-story 38,315 square feet medical office building situated near Route 80. Lot 9 will contain a 6,750 square feet restaurant. At this time, the operator of the restaurant is unknown. Therefore, architecture and site specific operations cannot be addressed. The development will be serviced by a common drive, parking, storm water management facilities and infrastructure. Ingress/egress is provided from Mountain Road and a northbound only entrance is proposed on Route 206. The site will be serviced by public sewer (MSA) and Roxbury Township water.

The application is proposed as a planned office building/retail development in accordance with Section 13-7.810(B). A condominium association or similar organization will be formed for the ownership and maintenance of common open space areas, and the shared community facilities, including the private roadways, walkways, parking areas, utility transmission lines, storm water management and detention facilities, and other common elements.

Development of the site will be divided into three phases. Phase I will include the restaurant, two-story medical office building, partial Road 'A' extended from Mountain Road, off-site utility extensions and common elements to service the buildings including utilities, parking and storm water management facilities. Phase I may be broken into subphase A, the restaurant, and subphase B, the two-story medical office, along with the associated partial Road 'A' extension, off-site utility extensions, common elements, associated parking and storm water management facilities. Phase II encompasses the flexible office/warehouse building, parking, remainder of Road 'A', Road 'B', a portion of Road 'C', and common facilities. Phase III addresses the three-story medical office building, parking, remainder of Road 'C', and common facilities.

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 Omland Engineering Associates, Inc.

- Sheet 1, Cover Sheet / Location Map, revised 6/30/08
- Sheet 2, Key Map, Zoning Schedule and General Notes, revised 12/12/08
- Sheets 3 & 4, Tree Removal and Demolition Plan, revised 6/30/08
- Sheet 5, Steep Slope Plan, revised 6/30/08
- Sheet 6, Overall Site Plan, revised 12/12/08
- Sheets 7 & 8, Layout and Dimensioning Plan, revised 12/12/08
- Sheet 9, Overall Grading Plan, revised 12/12/08
- Sheets 10 & 11, Grading Plan, revised 12/12/08
- Sheet 12, Utility Plan, revised 6/30/08
- Sheet 13, Utility Plan, revised 12/12/08
- Sheets 14 & 15, Landscape and Lighting Plan, revised 6/30/08
- Sheets 14A & 15A, Point by Point Lighting Plan, revised 6/30/08
- Sheet 16, Phasing Plan, revised 6/30/08
- Sheets 17 & 18, Soil Erosion and Sediment Control Plan, revised 6/30/08
- Sheets 19 to 20, Roadway and Utility Profiles, revised 6/30/08
- Sheet 21, Roadway and Utility Profiles, revised 12/12/08
- Operation and Maintenance Manual, dated 11/8/07
- Sheets 22 to 29, Construction Details, revised 6/30/08
- Amended stormwater management report revised 8/28/08

Prepared by GC Stewart Associates, Inc – dated 9/17/04

- Sheet 1 of 1, Boundary Survey

Prepared by Ware Malcomb

- Sheet A0.1, Title Sheet, revised 12/12/08
- Sheet A1.1, Flex Building Conceptual Floor Plan, revised 12/12/08
- Sheet A1.3, Flex Building Elevations, revised 12/12/08
- Sheet A2.0, 3-Story Medical Conceptual Basement Floor Plan, dated 12/12/08
- Sheet A2.5, 3-Story Medical Elevations, revised 12/12/08
- Sheet A3.0, 2-Story Medical Conceptual Basement Floor Plan, dated 12/12/08
- Sheet A3.4, 2-Story Medical Elevations, revised 12/12/08
- Sheet A4.1, Freestanding Signage, revised 12/12/08
- Sheet A4.2, Directional Signage, dated 12/12/08
- Sheet A4.3, Off-Site Restaurant Signage, dated 12/12/08
- Sheet S1.1, Flex Building-Proposed Signage-West Elevation, dated 1/22/09
- Sheet S1.2, Flex Building-Proposed Signage-South Elevation, dated 1/22/09
- Sheet S2.1, 3-Story Office-Proposed Signage-West Elevation,

- dated 1/22/09
- Sheet S2.2, 3-Story Office-Proposed Signage-East Elevation, dated 1/22/09
- Sheet S3.1, 2-Story Office-Proposed Signage-North Elevation, dated 1/26/09
- Sheet S3.2, 2-Story Office-Proposed Signage-West Elevation, dated 1/22/09
- Sheet S-4.1D, Proposed Directional Sign Type “D,” dated 1/22/09

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

Prepared by McDonough & Rea Associates

- Traffic Impact Study, dated 11/1/07
- Traffic Signal Warrant Analysis, dated 8/31/07

Prepared by EcolSciences, Inc.

- Environmental Impact Statement, dated 11/7/07

Prepared by Geo-Technology Assoc., Inc.

- Preliminary Geotechnical Report, dated 11/6/07

Prepared by Cultural Resources Consulting Group

- Phase IA Cultural Resource Reconnaissance

Prepared by Omland Engineering Assoc., Inc.

- Letter of Eric Keller, PE, dated 1/27/09, with attachments

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, PP, AICP, CLA, dated 5/2/08 (updated 9/12/08), 10/29/08 and 12/31/08

Paul Ferriero, PE, PP, CME, LEED, dated 4/30/08, 7/31/08 and 12/22/08

Harold Maltz, PE, PP, dated 6/2/08

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, PE, PP, CME, Township Engineer, dated 10/29/08, 11/20/08 and 12/10/08

Melanie Michetti, PE, CME, Sr. Assistant Township Engineer, dated 5/2/08 and 9/10/08

Michael Pellek, Fire Official, dated 3/28/08

Roxbury Township Environmental Commission,
dated 5/29/08

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

- A-1 Existing Site Conditions Aerial Photo
- A-2 Proposed Conditions Aerial Photo
- A-3 Steep Slope Development Exhibit
- A-4 Two-Story Medical Building Elevations
- A-5 Flex Building Elevations
- A-6 Three-Story Medical Building Elevations
- A-7 Freestanding Signage
- A-8 Traffic Signal Plan for Rte. 206 & Mountain Rd.
- A-9 Colored Drawing of Restaurant and
2-Story Medical Building
- A-10 Colored Drawing of Restaurant and
Flex Office/Warehouse
- A-11 Colored Drawing of Restaurant and
3-Story Medical Building
- A-12 Mountain Rd. Widening Layout Plan
- A-13 Sight Lines (5/6/08)
- A-14 Sight Sections (8/18/08)
- A-15 Photo Showing Evergreen Stand
- A-16 Summary of Project Costs (2/4/09)
- A-17 Color Landscape Plan of Entrance (2/4/09)
- A-18 Pedestrian Sidewalk Plan (1/22/09)

8. In the course of the public hearings, the Applicant was represented by John Wyciskala, Esq., and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Stanley Omland, PE, PP, Applicant's engineer/planner
Michael Bennett, Applicant's architect
Jay Troutman, PE, Applicant's traffic engineer
Harold Maltz, PE, PP, independent traffic engineer
Laura Newgard, environmental specialist

9. The development of the subject property as proposed by the Applicant requires relief from the following land use provisions of the Township ordinances:

(a) A variance is necessary from Section 13-7.21A04, which prohibits commercial/industrial establishments within two hundred feet of a residential district from conducting business between the hours of 11:00 pm and 6:00 am. Located within 200 feet of the adjoining R-1 District are approximately 19 restaurant parking stalls, which will be used after 11 pm.

(b) A variance is necessary from Section 13-7.819, which prohibits disturbance within 50 feet from the bank of a stream. Proposed Road 'C', which connects the office/warehouse building to the three-story medical building, will traverse the stream corridor buffer, perpendicular to the stream with an arch culvert. The road is necessary to provide egress out to Mountain Road for the three-story medical building and to provide ingress from Route 206 to the remaining buildings.

(c) A variance is necessary from the steep slope provisions of Section 13-7.818 for exceeding the permissible limits of steep slope disturbance within the 20-24.99% and 25%+ steep slope

categories. Strict ordinance compliance would substantially downsize the three story medical building and flexible office warehouse building, as well as impact the Route 206 access.

(d) A design waiver is necessary from Section 13-8.602A, as Mountain Road requires a 66 feet wide (33' half-width) right-of-way while the Applicant proposes a 25 feet half-width right-of-way. Additionally, a waiver is necessary as a 36 feet wide cartway (18 feet half-width) is required while a 28 feet wide cartway (14 feet half-width) is proposed.

(e) A design waiver is necessary from Section 13-8.608A, which requires granite block curbs along all roads. Curbs are absent along Route 206.

(f) A design waiver is necessary from Section 13-8.700D, as portions of Road 'A' and 'C' are not curbed.

(g) A design waiver is required from Section 13-8.608A, as Belgian block curb is required for the proposed roads/access drives and parking lots while the Applicant proposes concrete curb in the area of the flex office/warehouse. Concrete curb is only permitted when it abuts a sidewalk.

(h) A design waiver is necessary from Section 13-8.610, as sidewalks are not provided along Route 206 and portions of the interior roads.

(i) Variances are necessary from Sections 13-8.904A and 13-8.916K2, as only one freestanding sign is permitted per property while the applicant proposes two monument signs, one (6' x 10') on Route 206 and one (6' x 8'-4") on Mountain Road.

(j) A variance is necessary from Section 13-8.904C, as the Applicant proposes the monument sign 13 feet from the restaurant side property line while a 30 feet setback is required.

(k) A variance is necessary from Section 13-8.905A, as no more than one façade sign is permitted per tenant while the flexible office/warehouse building proposes 2 façade signs.

(l) Variances are necessary from Section 13-8.905A, as no more than one façade sign is permitted per tenant while the two-story and three-story medical buildings each propose 2 façade signs.

(m) A design waiver is necessary from Section 13-8.702(F), which requires a 20 feet parking/traffic aisle setback from the Mountain Road right-of-way. The Applicant proposes a 16.8 feet setback to the restaurant parking stalls and a 18.6 feet setback to the traffic aisle. Relief is also needed as parking shall be located a minimum of 10 feet from a side property line while a 9 feet setback is proposed.

(n) Design waivers are necessary from Sections 13-8.809N and 13-8.807E, which require 9 feet wide curbed planning islands (with a 2½-3" caliper shade tree) at the end of each parking bay. The Applicant proposes three end islands on the restaurant lot with a width as small as 5 feet.

(o) Design waivers are necessary from Sections 13-8.809O and 13-8.807F, which require a 9 feet wide curbed planting island (containing a shade tree), to separate any parking bay exceeding twenty spaces in a row. The Applicant proposes a row with 21 parking spaces on the restaurant lot without a planting island.

(p) A variance is necessary from Section 13-7.73302D10(a) as more than ten percent of the front yard area in relation to Mountain Road and the two-story medical building is consumed with off-street parking including access aisles and driveways.

(q) A variance is necessary from Section 13-7.3302D10(c) and design waivers from Sections 13-8.7612J and 13-8.702G, as the site driveway is located approximately 3 feet from the side property line with Lot 9 (restaurant), while a minimum 10 feet setback is required.

(r) A variance is necessary from Section 13-7.3302D10(c), which prohibits parking located closer than 15 feet to any building. Parking is proposed 11.5 feet from the northerly and 11.6 feet from the southerly 2-story medical building elevations.

(s) A variance is necessary from Section 13-7.3302D11, which requires a minimum 100 feet buffer maintained between the edge of any parking area and the adjoining easterly residential district. The Applicant proposes a 77.1 feet parking buffer in relation to Lot 11 and 75 feet in proximity to Lot 13. In relation to Lot 11, the proposed parking lot is approximately 30 feet below the finished floor elevation of the home. Existing vegetation for a depth of 50 to 95 feet will be preserved along Lot 11. The portion of Lot 13 nearest the parking lot is undeveloped and contains wetlands, wetland transition area, and steep slopes.

(t) Design waivers are necessary from Sections 13-8.809O and 13-8.807F, which requires a 9 feet wide curbed planting island (containing a shade tree), to separate any parking bay exceeding twenty spaces in a row. For the 2-story medical building, the applicant proposes a row with 26 spaces to the east without a planting island.

(u) A variance is necessary from Section 13-7.3302D10(c), which prohibits parking closer than 15 feet to a building. Parking is proposed 7.5 feet from northerly and southerly side building elevations of the flex building.

(v) A variance is necessary from Section 13-7.3302D11, which requires a minimum 100 feet buffer maintained between the edge of any parking area and the adjoining easterly residential district. The Applicant proposes a 75 feet parking buffer in relation to Lot 14. Existing vegetation for a depth of 40 feet will be preserved along Lot 14. The portion of Lot 14 nearest the parking lot is undeveloped and contains wetlands, wetland transition area, and steep slopes.

(w) Design waivers are necessary from Sections 13-8.809O and 13-8.807F, which require a 9 feet wide curbed planting island (containing a shade tree), to separate any parking bay exceeding twenty spaces in a row. In the area of the flex building, the Applicant proposes a row with 51 parking spaces without a planting island along the easterly rear retaining wall.

(x) A design waiver is necessary from Section 13-8.702P, as parking lots in excess of 100 spaces are required to be subdivided into modules utilizing continuous curbed planting islands a minimum 10-foot width located perpendicular to the parking stalls. The Applicant proposes a parking field for the 3-story medical building over 100 vehicles without the benefit of a linear planting island.

(y) A variance is necessary from Section 13-7.3302D10(b) as the northerly parking lot for the 3-story medical building is located 37.8 feet from the Route 80 right-of-way while a 60 feet setback is required.

(z) A variance is necessary from Section 13-7.3302D10(c), which prohibits parking located closer than 15 feet to any building. Parking traffic aisle are proposed 11 feet and 12.7 feet from the westerly front elevations of the 3-story medical building.

(aa) Design waivers are necessary from Sections 13-8.809O and 13-8.807F, which require a 9 feet wide curbed planting island (containing a shade tree), to separate any parking bay exceeding twenty spaces in a row. The two planting islands located along the westerly parking lot perimeter of the 3-story medical building do not have a 9 feet width.

(bb) A design waiver is necessary from Section 13-8.705D, as the dumpster/recycling enclosure shall not exceed a 6-foot height while the Applicant proposes an 8-foot height.

(cc) A variance is required from Section 13-8.910E for directional signs exceeding 4 sq. ft. in area. Applicant proposes directional signs having approximately 9.33 sq. ft. of sign area.

(dd) A design waiver from Section 13-11.106G is requested by the Applicant in order to waive contribution to the Township fund for the cost of replacement trees that cannot be accommodated on the site.

(ee) A design waiver is necessary from Section 13-8.804, as street trees are not provided along Mountain Road and Route 206. The majority of Route 206 frontage is consumed by existing vegetation.

(ff) A design waiver is necessary from Section 13-8.807D, as the Applicant has not provided one shade tree for every four parking spaces in the vicinity of the parking lot.

(gg) A design waiver is necessary from Section 13-8.807A, as the Applicant has not provided a fully conforming plan that provides a screen planting between the off-street parking areas (including interior drives) and any lot line or street line.

(hh) Design waivers are necessary for the landscaping of the detention basin (Section 13-8.808).

(ii) Design waiver for banked parking for the flex building (Section 13-8.701B).

10. Based on the hearing record, the Board has made the following findings relative to the variances and/or design waivers sought by the Applicant:

(a) The variance from Ordinance Section 13-7.21A04 for restaurant parking is justified pursuant to N.J.S.A. 40:55D-70c(1) by reason of the exceptional shape of the subject property and by reason of its exceptional topography and physical features, particularly the large areas of steep slopes, stream corridors, freshwater wetlands and wetland buffers, and the limited sight distance along Mountain Road, which dictates the location of the main access driveway, as a result of which strict application of the Ordinance requirement would result in exceptional practical difficulties and undue hardship. The impact of this variance on the residential district is mitigated by the extensive landscaping and screening incorporated into the site plan design, as well as by the topography of the site, which limit the propagation of noise toward the residential district.

(b) The variance from Ordinance Section 13-7.819 for the Road C stream corridor crossing is justified pursuant to N.J.S.A. 40:55D-70c(1) by reason of the exceptional shape of the subject property and by reason of its exceptional topography and physical features, particularly the large areas of steep slopes, stream corridors, freshwater wetlands and wetland buffers. The Board also notes that this road crossing will be subject to review and approval by the NJDEP.

(c) The variance from Ordinance Section 13-7.818 for steep slopes disturbance is justified pursuant to N.J.S.A. 40:55D-70c(1) by reason of the exceptional shape of the subject property and by reason of its exceptional topography and physical features, particularly the large areas of steep slopes, stream corridors, freshwater wetlands and wetland buffers, as a result of which strict application of the Ordinance requirement would result in exceptional practical difficulties and undue hardship. The disturbance has been minimized to the extent feasible and has been mitigated by creative use of landscaping and retaining walls.

(d) The design waiver from Ordinance Section 13-8.602A for substandard right-of-way and cartway width of Mountain is warranted because the proposed widths will accommodate tractor-trailer movements.

(e) The design waiver from Ordinance Section 13-8.608A regarding lack of curbing along Route 206 is warranted provided that the NJDOT does not require it, because the highway is under NJDOT jurisdiction.

(f) The design waiver from Ordinance Section 13-8.700D with respect to absent curbing on portions of Roads A and C is warranted in order to facilitate storm water drainage.

(g) The design waiver from Ordinance Section 13-8.608A regarding use of concrete curbing in some of the area around the flex warehouse is warranted as this area is not visible to the public.

(h) The design waiver from Ordinance Section 13-8.610 for lack of sidewalks along Route 206 and incomplete sidewalks along interior roads is justified because no sidewalks are present along Route 206 and sidewalks along interior roads have been provided to the extent feasible.

(i) The variance from Ordinance Sections 13-8.904A and 13-8.916K2 for two freestanding monument signs is justified pursuant to N.J.S.A. 40:55D-70c(1) and 70c(2), because of the particular configuration of the property with two road frontages and because of the safety benefit of improved visibility to motorists. Moreover, the restaurant will utilize these signs in lieu of having its own freestanding sign.

(j) The variance from Ordinance Section 13-8.904C with respect to the monument sign setback from the restaurant property line is justified pursuant to N.J.S.A. 40:55D-70c(1) because of the exceptional site configuration with the internal property line created by the minor subdivision. Moreover, the restaurant will utilize this sign in lieu of having its own freestanding sign.

(k) The variance from Ordinance Section 13-8.905A for two façade signs on the flex building is justified pursuant to N.J.S.A. 40:55D-70c(1) and 70c(2). An additional wall sign is permitted if the tenant unit fronts on an additional street. While tenant space technically does not front on two public streets, the private drive layout provides a similar function.

(l) The variance from Ordinance Section 13-8.905A for two façade signs on each of the medical buildings is justified under N.J.S.A. 40:55D-70c(2) because of the benefit associated with visibility of signage on the 2-story building to motorists traveling in both directions on Road A and on the 3-story building to motorists on Route 80. Furthermore, the total proposed façade signage area for each building is less than 2%, which is far below the 10% permitted by the Ordinance, and will thus serve to reduce visual clutter and enhance the aesthetics of the buildings.

(m) The design waiver from Ordinance Section 13-8.702(F) to restaurant parking/traffic aisle setbacks is warranted because the visual impact has been mitigated by enhanced landscaping and a stone rubble wall along Mountain Road.

(n) The design waivers from Ordinance Sections 13-8.809N and 13-8.807E regarding restaurant end islands dimensions is warranted to accommodate truck circulation. The remoteness of the area from the main roadway creates no visual impact.

(o) The design waivers from Ordinance Sections 13-8.809O and 13-8.807F regarding an absent planting island is warranted to accommodate truck circulation. The remoteness of the area from the main roadway creates no visual impact.

(p) The variance from Ordinance Section 13-7.3302D10(a) with respect to parking in the front yard of the 2-story medical building is justified pursuant to N.J.S.A. 40:55D-70c(1) and 70c(2), because this configuration accommodates an integrated development and the driveway servicing the restaurant.

(q) The variance (Ordinance Section 13-7.3302D10(c)) and design waivers (Ordinance Sections 13-8.7612J and 13-8.702G) for the 2-story medical building driveway setback from the Lot 9 property line are justified pursuant to N.J.S.A. 40:55D-70c(1) and 70c(2), because the property line is internal to an integrated site development.

(r) The variance from Ordinance Section 13-7.3302D10(c) regarding parking setback from the 2-story medical building is justified pursuant to N.J.S.A. 40:55D-70c(1), due to the extraordinary topographical and wetlands constraints of the property. The effect has been mitigated by enhanced landscaping.

(s) The variance from Ordinance Section 13-7.3302D11 regarding buffers between 2-story medical building parking areas and the adjoining residential district is justified pursuant to N.J.S.A. 40:55D-70c(1), due to the extraordinary topographical and wetlands constraints of the property. The effect has been mitigated by enhanced landscaping.

(t) The design waivers from Ordinance Section 13-8.809O and 13-8.807F with respect to lack of a planting island in the easterly parking bay of the 2-story medical building is warranted because that parking bay is remote from the main roadway and there will be no visual detriment.

(u) The variance from Section 13-7.3302D10(c) with respect to parking within 15 feet of the flex building is justified pursuant to N.J.S.A. 40:55D-70(c)(1) due to the extraordinary topographical and wetlands constraints of the property.

(v) The variance from Ordinance Section 13-7.3302D11 for parking buffer in relation to the adjoining residential district is justified pursuant to N.J.S.A. 40:55D-70c(1), due to the extraordinary topographical and wetlands constraints of the property. The effect has been mitigated by enhanced landscaping.

(w) The design waivers from Ordinance Sections 13-8.809O and 13-8.07F with respect to planting islands along the retaining wall east of the flex building are warranted because these are aesthetic features that will not be visible behind the flex building, and they would interfere with truck movements in the loading area.

(x) The design waiver from Ordinance Section 13-8.702P for lack of planting islands in the parking field for the 3-story medical building is warranted because compliance would increase site disturbance.

(y) The variance from Ordinance Section 13-7.3302D10(b) for 3-story medical parking lot setback from Route 80 is justified pursuant to N.J.S.A. 40:55D-70c(1), due to the extraordinary topographical and wetlands constraints of the property. The effect has been mitigated by enhanced landscaping. The parking lot is only visible from Route 80, and the visual effect will be further mitigated by additional landscaping as required by the Township Planner.

(z) The variance from Ordinance Section 13-7.3302D10(c) with respect to parking setback from the 3-story medical building is justified pursuant to N.J.S.A. 40:55D-70c(1), due to the extraordinary topographical and wetlands constraints of the property. The effect has been mitigated by enhanced landscaping. A decorative scoring pattern for the sidewalk will further enhance the appearance.

(aa) The design waivers from Ordinance Section 13-8.809O and 13-8.807F for dimensions of two planting islands along the westerly perimeter of the 3-story medical parking lot are warranted because this area is remote from the roadway and has no visual impact.

(bb) The design waiver from Ordinance Section 13-8.705D with respect to dumpster/recycling enclosure height is warranted as the enclosure is compatible with building architecture.

(cc) The variance from Ordinance Section 13-8.910E with respect to directional sign area is warranted pursuant to N.J.S.A. 40:55D-70(c)(2) because the proposed signage compliments building design/colors and improves the functionality of the complex.

(dd) The design waiver from Ordinance Section 13-11.106G with respect to contribution in lieu of replacement trees is warranted pursuant to Ordinance Section 13-11.108B.2

consideration of the relatively minimal degree of overall disturbance of the site. The contribution is waived only for replacement trees that cannot be accommodated on site under the revised landscape plan to be approved by the Township Planner pursuant to the conditions of this resolution.

(ee) The design waiver from Section 13-8.804 for lack of street trees along Mountain Road and Route 206 is warranted due to the extensive landscaping being provided at the entry drives.

(ff) The design waiver from Section 13-8.807D is warranted because no area is available for planting additional shade trees in the vicinity of the parking lot.

(gg) The design waiver from Section 13-8.807A with respect to screen planting for off-street parking areas is warranted, provided that Applicant complies with the conditions of this approval requiring compliance to the extent practical.

(hh) The design waiver from Section 13-8.808 for detention basin landscaping is warranted provided that Applicant complies with the conditions of this approval requiring compliance to the extent practical.

(ii) The design waiver from Section 13-8.701B for banked parking for the flex building is warranted, provided Applicant agrees to construct the parking if the Township deems it necessary and appropriate upon occupancy of the building.

With respect to the cumulative relief set forth above, the Board finds that the public benefits associated with the development of this difficult site in accordance with the zoned use, the relatively minimal level of site disturbance, the granting to the Township of open space and conservation easements over substantial portions of the tract, the extension of public water and sewer lines and the provision of a traffic light on Route 206, greatly outweigh the detriments of the approved deviations from Ordinance standards.

The Board further finds that this relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

The Board further finds that the relief granted herein is premised on the Applicant's obtaining the necessary approvals for the installation of a traffic light at the intersection of Mountain Road and Route 206 as well as direct access from Route 206. If such approvals are not obtained, the basis for this relief will be materially altered, and the relief will be considered rescinded without further action of this Board.

11. The Board finds that adequate access to the site will be provided by the two proposed driveways, provided that the Applicant complies with the conditions of this approval relative to the traffic light and access from Route 206.

12. The Board finds that adequate provisions have been made for water supply, sewage disposal and solid waste disposal facilities to service the proposed development in the form of the extension of public water and sewer facilities to the site.

13. The Board finds that adequate provisions have been made for the management of stormwater on the developed site.

14. The Board finds that an adequate plan for internal traffic circulation, vehicle loading/unloading and parking within the developed site has been presented by the Applicant.

15. The Board finds that the impact of traffic associated with the proposed development will not be detrimental to public safety, provided that the Applicant makes off-tract improvements with

respect to the Mountain Road/Route 206 traffic light and implementation of the Route 206 access drive in accordance with the conditions of this approval.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the preliminary site plan and minor subdivision as depicted and described in the drawings and/or plans referenced hereinabove. In connection with this approval, the Board grants relief from land use provisions of the Township ordinances in accordance with Section 10 above.

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. As a condition precedent of this approval, to the extent applicable, Applicant shall obtain all required approvals, waivers, and/or exemptions with respect to the NJ Highlands Water Protection and Planning Act, the Highlands Regional Master Plan, and the COAH Scarce Resources Restraint applicable to Highlands municipalities, and shall submit to the Board evidence of such approvals, waivers and/or exemptions, which evidence must be deemed satisfactory by the Board Attorney, the Board Engineer and the Township Planner.

2. Applicant shall obtain Treatment Works Approval (TWA) with respect to on-site sewage facilities and extension of sewer facilities from the site to the MSA plant, including without limitation endorsement of the TWA application by Netcong Borough and the MSA and an execution of an Interlocal Agreement between Netcong Borough and Roxbury Township with respect to connection to the Netcong sewer use and expenses associated therewith. The Applicant's escrow account will cover Township expenses in connection with fulfilling these requirements.

3. Prior to commencing any site work, including but not limited to grading and tree removal, Applicant shall obtain all required approvals for the installation of a traffic signal at the intersection of Route 206 and Mountain Road and for ingress access from Route 206 to the site via the driveway entrance of proposed Road B. Failure to obtain such approvals will automatically nullify the Board's site plan approval.

4. Prior to final site plan approval for Phase I, Applicant shall exercise reasonable efforts to obtain egress access to Route 206 from the site via the Road B driveway, and if successful, shall obtain an amended site plan approval in connection therewith.

5. The traffic signal on Route 206 shall be installed; at Applicant's sole expense, and functioning prior to issuance of any Certificate of Occupancy for the project.

6. Prior to issuance of any building permit, a condominium association or equivalent entity will be formed, which entity will be responsible for maintenance of internal roads, parking areas, walkways, common utilities, stormwater facilities, common lighting fixtures, open space and other common elements. The document(s) of entity formation and operation will be reviewed and approved by the Board Attorney. The condominium association documents may subsequently be revised, prior to issuance of the first certificate of occupancy, subject to approval of the Board Attorney.

7. To ensure that truck traffic associated with the site shall not use Mountain Road east of the Road A driveway, signage shall prohibit left turns by trucks out of that driveway. Prior to Phase I final site plan approval, Applicant shall apply to the Township Council for consent to have said prohibition made enforceable by the Township police pursuant to Title 39 of NJ Statutes.

8. Prior to final site plan approval for Phase I, the tenant for the restaurant shall be identified, and Applicant shall obtain an amended site plan approval with respect to architecture, trash/recycling facilities, landscaping and other significant site-specific features.

9. Prior to final site plan approval for Phase I, Applicant will file a conservation easement, in a form acceptable to the Board Attorney and Engineer, for the open space area identified on the approved plans.

10. Consent from JCP&L for improvements located within their easement (parking, roadway, retaining walls, etc.) shall be updated prior to the commencement of construction.

11. Catalog cuts shall be provided for retaining wall materials and shall be approved by the Township Planner.

12. Corten guiderail will be specified in all areas except the immediate vicinity of the flex office/warehouse building where galvanized steel guiderails may be used.

13. Prior to final site plan approval for Phase I, Applicant shall grant to the Township and its agents an easement to inspect the stream and the area within 10 feet on either side of the stream. The easement shall be reviewed and approved by the Board Attorney.

14. Granite block curbing shall be specified for the medical and restaurant complexes and internal roads, except at the flex office/warehouse, where concrete curb may be permitted, provided that curb types shall be clearly labeled and beginning/end and transition points identified. Granite block curbing shall be provided across from the southerly flex building elevation (except where no curbing is shown to permit stormwater flow in accordance with the NJDEP approved drainage design) and in some other areas where sidewalk is not present, as required by the Township Planner. Concrete curbing is permitted where it adjoins sidewalk.

15. Revised plans shall incorporate sidewalk along Mountain Road as depicted in the "Sidewalk Exhibit" dated 1/26/09, which was submitted to the Board prior to the hearing of 2/4/09, and the "Entrance Sidewalk Exhibit" dated 2/4/09, which was marked as Exhibit A-17 at the hearing of 2/4/09. The northerly terminus of the sidewalk on Exhibit A-17 shall be truncated to allow the restoration of the tree indicated on the "without entrance sidewalk" side of the Exhibit. A pedestrian cross-walk shall be added northward from the modified terminus of the sidewalk. A sidewalk connection shall be extended from the western terminus of the Mountain Road sidewalk to the parking lot west of the restaurant. The revised sidewalk plans with drop curbs shall be reviewed and approved by the Township Planner and the Board Engineer.

16. In revised plans, a six-foot shoulder along the easterly side of Road A shall be striped as a pedestrian path in accordance with Exhibit A-18. Striping and signage details shall be submitted for approval of the Township Planner and Board Engineer.

17. Prior to construction of the monument sign, Applicant shall submit details of the selected illumination fixture for the approval of the Township Planner. Sign illumination details will be added to the engineering drawings.

18. Except for designated tenant signs, façade signs shall measure no larger than 3' x 15', and shall only contain the building address. If a building is occupied by a single tenant, the name of that tenant may also appear on the façade sign. The façade signs may be illuminated.

19. Plans shall note that the restaurant will not have a drive-thru facility, as they are prohibited in the B-1A District.

20. Location of the banked trash/recycling enclosure as required by Ordinance Section 13-8.705E shall be depicted on the plan.

21. In revised plans, a shade tree shall be provided in the planting island to the south of the 2-story medical building.

22. Additional infill landscaping in the parking buffer adjoining Lots 11, 13 and 14 and between the northerly 3-story medical parking lot and Route 80 will be provided in revised plans as required by the Township Planner. Final infill landscaping will be completed prior to Phase I final site plan approval.

23. Sidewalk along the westerly elevation of the 3-story medical building will be provided in revised plans with a decorative scoring pattern to be approved by the Township Planner.

24. The revised plan shall identify areas of the conservation easements to be dedicated to the Township and to NJDEP, which shall be reviewed and approved by the Board Engineer.

25. Revised plans shall indicate that, pursuant to Section 13-7.21A01, a continuous 50 feet wide landscaped buffer area shall be maintained in relation to the adjoining easterly R-1 District. Existing vegetation will be maintained as a buffer. Additional landscaping and/or infill planting shall be provided to enhance the buffer. This shall be further refined when property lines are staked and clearing has occurred.

26. Revised plans shall note that, pursuant to Section 13-7.21A02, the Applicant shall comply with Chapter XXI, "Noise Control" of the Revised General Ordinances of the Township.

27. Revised plans shall note that the Applicant and its successors shall have continued responsibility to comply with the storm water management operation and maintenance manual as approved by the Board Engineer.

28. In revised plans, the Mountain Road and Route 206 entrances shall be enhanced through the use of substantial landscaping and decorative elements including low decorative stone walls. This design shall continue along the Mountain Road frontage and repeat itself at the entrances to all buildings.

29. Due to their predominant location and height, the retaining wall corners situated at the SWM Basin '4A' (TW 1072) and between Mountain Road and the two-story medical building driveway (TW1084 and TW 1082.5) shall be flattened.

30. Concrete walls shall be specified only at flexible office/warehouse loading bays.

31. Wall calculations shall be provided for review and approval by the Township and/or Board Engineer (Section 13-8.809L).

32. SWM basins shall be specified with a grass surface, except for Basins 4A and 7 that have sand bottoms in accordance with NJDEP approvals.

33. Applicant shall verify that the proposed PVC post and rail fence satisfies BOCA requirements.

34. Specify chain link fence detail (Sheet 27) with black vinyl clad posts, rails and mesh.

35. Matching decorative benches and trash/ash urns shall be provided at building entrances. A black color finish shall be specified. Details shall be provided.

36. A traffic sign post detail shall be provided and specify a black color finish.

37. Applicant will comply with the comments contained in the May 2, 2008 memorandum from the Senior Assistant to the Township Engineer and the December 22, 2008 letter from the Township Engineer, and updates thereto.

38. Revised plans shall note that radio antennas, television antennas and satellite dish antennas shall not exceed ten feet in height above the highest portion of the building.

39. Revised plan shall note that all off-street parking areas shall be used exclusively for the parking of automobiles. No commercial repair work or sales of any kind shall be conducted in any parking area (Section 13-8.702S).

40. Revised plans shall specify decorative stone Delaware River jacks for rip-rap pads.

41. Pursuant to Section 13-7.818, as a condition for granting a steep slope variance, the Board requires the dedication to the Township of conservation easements covering the upland undisturbed areas of the site, to within 20 feet of the limit of disturbance line. Easement deeds shall be reviewed and approved by the Board Attorney and Board Engineer and shall be filed prior to final site plan approval for Phase I.

42. If needed to facilitate deliveries from Route 206, Applicant shall seek an amendment by the Township Council of Ordinance 7-4.1 to allow travel from the highway to the Mountain Road entrance prior to issuance of a Certificate of Occupancy. Ordinance 7-4.1 does allow vehicles over four (4) tons to utilize Mountain Road for the purpose of delivery of materials and essential services.

43. A paving detail shall be provided to prevent the interior road pavement edge from failing where curbing is not provided.

44. The width of the three story building loading stall shall be increased on revised plans.

45. Revised plans shall note that the site will be under the jurisdiction of Title 39. Prior to Phase I final site plan approval, Applicant shall obtain the consent of the Township Council for Title 39 enforcement of traffic regulations on the site.

46. A Belgian block curb detail shall be provided. Label all curb types on sheets 7 and 8.

47. Interior roads shall be labeled on all drawings.

48. Sight lines shall be depicted at the interior intersections to verify that retaining walls, guide rail and fences will not obstruct visibility.

49. Revised plans shall include a "four-way" street sign posted at Mountain Road and Route 206 or road names posted on the traffic signal mast arm (Section 13-8.606G). Corresponding details shall be provided.

50. Revised plans shall note that no parking signs will be posted along the proposed roads. Corresponding details shall be provided.

51. Depressed curbs/handicap ramps shall be clearly identified on revised plans.

52. The drawings shall be revised to incorporate recommendations contained in the March 28, 2008 memo from Michael Pelleck, Township of Roxbury Fire Official, except item #7.

53. Materials, colors and dimensions shall be clearly noted on all architectural drawings. Include color treatment of service doors.

54. All architectural drawings shall be provided with a date and most recent revision date.

55. Pursuant to Section 13-8.706, the engineering and architectural drawings shall note that all rooftop mechanical equipment shall be architecturally screened in a manner compatible with the building architecture.

56. Rooftop mechanical equipment screens or parapet walls shall be depicted on the architectural elevations and roof plans to screen rooftop mechanical equipment. Rooftop mechanical equipment shall be depicted on elevation drawings.

57. The freestanding monument sign detail shall be provided on the engineering drawings. Dimension sign area. The monument sign shall be located outside the sight line for the access drive, although it may be located within the sight triangle, per the testimony of Applicant's engineer.

58. The restaurant/Lot 9 shall obtain an amended site plan approval prior to construction of the restaurant in order to address operational, architectural, landscaping, parking, building height, signage and site specific concerns.

59. The dumpster/recycling enclosure for the restaurant shall be increased to accommodate a grease container. Provide detail drawn to scale and locate grease container. On section detail, provide cap with a 1" overlap of the wall.

60. Additional lighting shall be provided to illuminate the restaurant front entrance building sidewalk.

61. Decorative steel fence and guiderail should be provided along the southerly restaurant retaining wall. Depict and label guiderail and fence.

62. Specify Delaware River jacks for rip-rap aprons and along road "C" basin.

63. A decorative stone shall be specified for the SWM Basin #4A rip-rap pad. Provide notes on grading and landscape plans. Specify stone type (i.e., Delaware River jacks).

64. Typical dumpster/recycling enclosures shall be depicted at each tenant space of the flex/office building. Construction may be waived if a tenant occupies multiple spaces. Provide details.

65. Provide TW/BW elevations for SWM #7 walls.

66. Illumination along the building sidewalk/traffic aisle and parking field to the northwest of the 3-story medical building is unclear. Provide additional lighting and/or clarify isolux lines on revised plans.

67. On revised plans, an additional light shall be provided along the road curve north of the Road 'B/C' intersection, as the road provides access to a medical building.

68. Specify decorative stone such as Delaware River jacks for the rip-rap apron near the 3-story medical building.

69. Fire hydrants shall be provided on revised plans to the satisfaction of the Planning Board Engineer, Township Engineer and Fire Official.

70. The utility plan, sheets 12 and 13 shall note that all on-site utility lines shall be installed underground (Section 13-8.500A.).

71. Existing overhead utility lines along Mountain Road shall be located on the utility plans. If acceptable to JCP&L, service shall be provided underground if existing lines are located along the Applicant's side of the road.

72. Pursuant to Section 13-8.501E, the Applicant shall obtain sewer capacity allocation by the Township Engineer and authorization by the Governing Body shall be obtained.

73. Water allocation shall be obtained from Roxbury Township Water.

74. Pursuant to Section 13-8.707D, the light fixture details shall note that the light lens shall be flush with the fixture housing and parallel to the ground. A dimensioned full-length light detail shall be provided; dimension a mounting height of no more than 18' above grade.

75. Original catalogue cuts of the freestanding and wall lights shall be provided.

76. Correct labeling of wall light on Sheet A1.3 (reverse Key 1 with 17).

77. Increase width of loading stall at 3-story medical building.

78. Revised plans shall specify all dumpster enclosures (except for flex building) shall be constructed with masonry materials to compliment the buildings. Details shall be provided including a masonry cap with 1" overlap of the wall.

79. All dumpster/recycling enclosures shall be provided with a solid gate mounted on a steel frame. Provide details including latch, posts, frame, door canes, color, materials, etc.

80. The gate of the restaurant trash enclosure shall be moved to the terminus of the wall.

81. At the request of the Health Department, dumpster/recycling enclosures shall not be located on or adjacent to storm drains.

82. Solid waste will be collected by a private licensed waste hauler and transported to an approved landfill for disposal.

83. The Applicant shall contact the Municipal Recycling Coordinator for further input.

84. Material and colors of the seven (7) directional signs shall be compatible with the building design and project identification signs. Directional signs shall be non-illuminated and shall not exceed 9.5 sq. ft. and a 4'10" height.

85. On Sheet 7, the off-site restaurant identification sign shall be removed.

86. The off-site project sign shall be removed from the engineering and architectural drawings.

87. The Tree Removal Permit Form requests waivers from Sections 13-11.5B(6) and 13-11.5B(8). The section numbers appear outdated and shall be corrected.

88. The issuance of a tree removal permit and posting of a performance bond for on-site tree replacement are required prior to tree removal.

89. Fencing for tree protection shall be erected along the limit of disturbance line prior to tree removal. The Township Engineer can modify the fencing if such a modification will feasibly preserve additional existing trees. The grading and soil erosion and sediment control plans shall be noted accordingly.

90. Pursuant to Section 13-11.13c, a performance guarantee shall be submitted in an amount not to exceed 120% of the cost of replacement trees prior to the issuance of a Tree Removal Permit.

91. Stump removal is prohibited until a Soil Moving Permit is issued.

92. An access/drainage easement at least 20 feet in width shall be provided to the Township along the stream in accordance with Ordinance Section 13-8.205B. The easement area shall be defined by a metes-and-bounds description. The easement shall be reviewed and approved by the Board Attorney and Board Engineer, and it shall be filed prior to Phase I final site plan approval.

93. Revised plans shall provide landscaping in accordance with Section 13-8.807M to accent all driveway openings/entrances, as required by the Township Planner.

94. Revised plans shall provide partial screening of parking areas from interior drives in accordance with Section 13-8.807I, as required by the Township Planner.

95. As a condition of the Board's waiver of a contribution in lieu of replacement trees under Ordinance Section 13-11.106G, Applicant must provide a landscape plan acceptable to the Township Planner. The contribution will be waived for replacement trees that cannot be accommodated on site under the landscape plan approved by the Township Planner.

96. Along the interior roads Applicant shall provide on revised plans a combination of a formal street tree planting in open areas and clusters of ornamental trees/shade trees where area is available and the backdrop is of existing woods, to the satisfaction of the Township Planner.

97. In accordance with Section 13-8.807A, Applicant shall provide a plan that provides a screen planting between the off-street parking areas (including interior drives) and any lot line or street line where practical. Where shrubs are used for this screening, they shall be planted in a staggered double row and installed with a minimum height of twenty-four (24) to thirty (30) inches.

98. Landscaping of the detention basin shall be made more compliant with Section 13-8.808. Applicant shall provide closer conformance with the following standards:

(a) The perimeter of the basins shall be landscaped with clusters of plants, including shade trees in a free form manner with open areas of lawn. Access for maintenance and emergency services shall be maintained.

(b) Shade trees shall be located within the upper drier portion of the basin.

(c) The view of drainage structures such as headwalls, outlet structures, culverts, biofilters, etc. shall be softened with wet-site tolerant plants.

(d) Outlet structures and headwalls shall be provided with a stone veneer if they are clearly visible from adjoining properties and/or street within the development.

99. Shade trees shall be provided on revised plans at the northerly and southerly terminus of the easternmost flexible office/warehouse parking bay.

100. Proposed landscaping within planting end islands shall be revised so that plants do not obstruct the view of approaching vehicles within the parking lot.

101. The restaurant loading area and trash enclosure shall be screened from the gas station property to the west to the satisfaction of the Township Planner.

102. The view of utility areas, mechanical equipment, transformers and meters shall be screened from adjoining lots and street lines with landscaping. Open access to the equipment shall be maintained. (Section 13-8.807K).

103. Enhanced detail foundation planting plans shall be provided.

104. A monoculture planting of Abelia surrounding the two-story medical building shall be replaced with planting acceptable to the Township Planner.

105. Landscaping shall be provided at the base of freestanding signs.
106. Landscaping between the two-story medical building and basin wall shall be provided.
107. Sweetspire and PJM Rhododendron as a parking lot screen/hedge shall be replaced with evergreen shrubs.
108. Seed and sod lawn areas shall be labeled.
109. Perennials located along Mountain Road shall be identified.
110. Substitute plants shall be provided for *ilex glabra*.
111. Cultivars of *Acer rubrum* and *Acer saccharum* shall be specified.
112. A number of shade trees and ornamental trees are specified at a 3 to 3 ½ inch caliper. Revised plans shall provide a reduction of size and additional plants. Per ordinance, shade/street trees may be specified at a 2 ½ to 3 inch caliper and ornamental trees at a 2 to 2 ½ inch caliper.
113. Typical height range of shade/street trees and ornamental trees shall be provided.
114. A copy of the Omland Engineering Associates planting procedures specifications identified on sheet 27, note 25, shall be provided.
115. On sheet 27, graphic planting details shall specify the components of the backfill mixture and identify the type and depth of mulch.
116. Proposed and existing contours as well as elevation number shall be clearly depicted on the landscape plans (Section 13-8.801A7).
117. Mechanical equipment, transformers and meters shall be located on the landscape plan to the extent possible(Section 13-8.801QA8). It should be noted that the exact locations will be subject to review an approval by the applicable utility companies and may be subject to change. Locating these structures within the vicinity of the front entries shall be avoided.
118. North arrow and limit of disturbance line shall be provided on the landscape plans.
119. The landscape plan shall accommodate areas for plowed snow.
120. The landscape plan shall note that all plant materials, planting practices and specifications shall be in accordance with the “American Standard for Nursery Stock: promulgated by the American Association of Nurserymen Standards. (Section 13-8.802E).
121. The landscape specifications shall note that “Only plant materials following the standards established by the American Association of Nurserymen shall be accepted. Trees shall be nursery-grown, free of disease, substantially uniform in size and shape and have straight trunks” (Section 13-8.805A). Revise note 12, sheet 27 accordingly.
122. A minimum of six (6) inches of topsoil cover shall be specified for all disturbed areas. (Section 13-8.803A).
123. The landscape plan should note that deadwood, poison ivy and vines adjoining residential properties will be removed if within close proximity to the adjoining residential lots. Deadwood in proximity to parking lots and buildings shall also be noted for removal.

124. All waste material associated with construction activity, including stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be noted for removal. Non-vegetative debris existing on this site prior to construction shall also be noted for removal. (Section 13-8.803B).

125. Fact sheets shall be provided for Frontier Hybrid Elm (*Ulmus* x 'Frontier') and Dwarf Boxleaf Euonymus (*Euonymus japonica* 'Macrophylla').

126. As a ground cover, typical spacing for Winter Creeper Euonymus shall be specified as well as pot size.

127. All shade trees shall be specified by caliper and a typical height.

128. Plant quantities shall be verified.

129. Applicant shall verify that deer tolerant shrubs have been specified.

130. Revised plans shall note that landscape irrigation shall be provided around buildings in high profile areas in accordance with Section 13-8.805C.

131. The landscape plan shall note that tree stakes and guy wires shall be removed one year after the date of installation (Section 13-8.805B).

132. The landscape plan shall note that all plant material shall be guaranteed by the landscape contractor for a minimum period of one (1) year to replace dead or dying plants. (Section 13-8.805D).

133. The Township Planner shall be contacted for additional landscape comments prior to revisions.

134. A revised landscape plan will be submitted and subject to the review and approval of the Township Planner.

135. Sheet 6 – Overall Site Plan and Minor Subdivision

(a) Deed descriptions and lot closure calculations shall be provided for review and approval.

(b) The subdivision deeds shall include all necessary utility and access easements.

(c) The subdivision map shall be signed by a surveyor.

(d) The final lot numbers shall be approved by the tax assessor.

(e) For the purposes of building identification, traffic circulation and 911 response, the access road(s) shall be identified with names and the buildings provided with street numbers along those roads rather than using Route 206 or Mountain Road addresses.

136. Sheets 9, 10, 11 – Grading Plan

(a) Retaining wall construction details and stability calculations shall be provided.

(b) Although the transmittal letter indicates the properties will be under common ownership, this may not always be the case, and the retaining wall at the southeast corner of the restaurant parking lot will require a construction easement on Lot 1.

137. Sheets 12 and 13 0 Utility Plan

(a) Provide details for areas where retaining walls have storm drainage, site lighting and guide rail or fence in the reinforcement zone.

(b) All fire hydrant locations shall be subject to the approval of the Fire Official.

(c) Prior to construction, complete details need to be provided for the pump station for the 3 story building.

138. Sheets 19, 20 and 21 – Roadway and Utility Profiles

(a) The sight line profile for the Road A intersection with Mountain Road shows that a grading easement is required to provide sight distance in excess of 220 feet. The Board's traffic consultant shall comment on the adequacy of the available sight distance if the easement or grading approvals are not obtained. In that event, warning signage shall be provided as required by the Township Engineer.

139. Sheets 22 through 29 – Construction Details

(a) Structural calculations and detailed designs shall be submitted for all walls prior to construction.

(b) The retaining wall cross sections shall include details for the site light poles, utilities and stormwater structures in the reinforcement zones.

(c) All sanitary sewer and water details shall be approved by the utility companies.

140. Minor subdivision deeds shall be reviewed and approved by the Board's Attorney and Engineer prior to filing. Deeds shall include the following recital: "Pursuant to N.J.S.A. 40:55D-47, the minor subdivision referred to in the within Deed was approved by the Roxbury Township Planning Board on [date] and memorialized by Resolution on [date]."

141. 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 Mountain Road.
- 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 Mountain Road.
- 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.

142. 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."

143. 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, if any, shall be paid in full prior to final site plan approval.

144. In accordance with N.J.S.A. 40:55D-8.4a, or amendments thereto, the Applicant shall pay a development fee equal to two-and-a-half percent (2.5%) of the total equalized assessed valuation of the nonresidential development prior to the issuance of the first certificate of occupancy. If the provisions of N.J.S.A. 40:55D-8.4a relative to the payment of the 2.5% fee for non-residential development are not in effect at the time of issuance of a building permit, then the Applicant shall pay a developer's fee in accordance with Ordinance Section 13-7.829C, on any successor provision, to the extent it remains enforceable.

145. 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.

146. In the event that future additional dumpster enclosures are needed for the site, then upon the approval of the Zoning Officer, they shall be constructed.

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

148. 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.

149. 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.

150. 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 February 4, 2009.

A motion to approve the Resolution with a change to the memorialization date was made by Mr. Zoschak who stated for the record that he had listened to the recording of the meeting, seconded by Mr. Shadiack.

Roll Call: Mr. Shadiack, yes; Mr. Zoschak, yes; Mr. Verge, abs; Mr. DeFillippo, yes; Mr. Meyer, yes

COMPLETENESS:

PBA-09-006 - Skeparoski, Jovan Block 2613, Lot 9, Route 46 and North First Avenue Minor Subdivision and Preliminary Site Plan Application

The information submitted was considered complete by both Mr. Stern and Mr. Ferriero and it was their recommendation that the application be deemed complete.

A motion to deem the application complete was made by Mr. Verge, seconded by Mr. Shadiack.

Roll Call: Mr. Shadiack, yes; Mr. Zoschak, yes; Mr. Verge, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

This matter will be scheduled for the June 17, 2009 meeting.

NEW APPLICATIONS:

PBA-09-002 Wong Ki Chung Block 3103, Lot 5 103 South Hillside Avenue Minor Subdivision and Variance Application. This matter was continued from the March 18, 2009, meeting. The attorney for the applicant requested a continuation to the June 17, 2009 meeting.

This matter was carried to the June 17, 2009 meeting with no further notice.

OLD BUSINESS:

PBA-09-002 William Farley, Dell Avenue (Old Dell Ave. and Berkshire Valley Road) Block 7002, Lot 3,4,5. Major Subdivision to create six lots in R-2 Zone. The attorney for the applicant had requested a continuation to the June 17, 2009 meeting.

This matter was carried to the June 17, 2009 meeting with no further notice.

NEW BUSINESS:

Mr. Stern will set up a Master Plan meeting to go over the Economic Development Committee and the Land Use elements in the near future.

The meeting was adjourned by motion at 7:40 p.m.

Eugenia Wiss, Board Secretary