

JUNE 17, 2009, MINUTES

A regular meeting of Planning Board of the Township of Roxbury was held on June 17, 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, Linda Lutz, Andre Verge, Richard Zoschak, Joseph Schwab, Robert DeFillippo and Chairman Scott Meyer

ABSENT: Charlie Bautz, Larry Sweeney, and James Rilee

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

Also present, Eugenia Wiss, Board Secretary.

MINUTES:

A motion to approve the minutes of May 6, 2009, was made by Mr. Zoschak, seconded by Mr. Verge

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

RESOLUTIONS: None

COMPLETENESS:

Francisco, Alan Block 11002, Lot 43 318 Kingsland Road
Steep Slope and Minor Site Plan Application with variances for wall and parking.

Mr. Stern felt the Steep Slope Application was complete and they had requested waivers for some checklist items for the Site Plan Application. He reviewed the waivers for the Board and recommended that the application be deemed complete with the submission of plans in an electronic format being provided two weeks prior to the hearing.

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

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

This matter will be scheduled for the July 15, 2009 meeting.

CONTINUED 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. Attorney Larry Kron represented the applicant. They had carried the application to reduce the size of the house from 4000 sf to 2800 sf. Mr. Kron went through Mr. Ferriero's June 12th report. Only one item in Mr. Ferriero's last report had been addressed in the plan revision and Mr. Kron agreed to have their engineer highlight on the plans the comments he has addressed when he resubmits. The Engineer was not present. They agreed to address all the comments in Mr. Ferriero's report and his client would address the well issue when he arrived. Mr. Kron agreed to comply with all items in Roxbury Engineer Mike Kobylarz's memo of June 10, 2009.

With regard to Mr. Stern's report of June 9th, they had previously agreed to a number of items but had not provided the changes on the drawings. They still needed to submit architecturals.

Planner Eric Snyder, who was still under oath from the last meeting, reviewed the changes to the plan. He researched other properties in the neighborhood and compared the lot sizes with the size of the homes. The Floor Area Ratio was 12% on the other lots and the lots were between 20,000 to 25,000 sf. This lot is a little over 20,000 sf which gives them 2500 sf plus the garage. They are proposing to build a center-hall colonial with garage on the side. The set of building plans was marked Exhibit A-3. They are building a house nearly identical to other homes in the neighborhood but scaled down because it is a smaller lot. It is 2800 sf including the garage. The footprint will be 1500 to 1600 sf. Mr. Chung's existing home is 2748 sf. The width of the proposed four-bedroom home is 44' x 34'2". The materials are consistent with what is in the neighborhood but the stone or brick work has not been determined yet. Mr. Chung will move into the new house and his son will move in his house.

They are looking for a variance for lot size and width. They feel this is an efficient use of land, consistent with the neighborhood, it's a permitted use, they have downsized the home and it can be approved without harm to the neighborhood or zone plan. It is served by public water and sewer and the variances are minor variances.

Mr. Chung, who was still under oath from the last meeting, stated his home has public water, there is no well although a well was shown on the plan. The engineer will remove the well from the plan if it is not there and, if it is, it will be abandoned. Mr. Kron had letters from neighbors but they were not admissible.

Mr. Stern wanted the shed removed and the applicant agreed. They agreed to all the outstanding items but he needed drawings of the proposed home. They needed a new waiver for the location of the sidewalk.

Mr. DeFillippo inquired about the distance between two houses. They were 90 feet apart, 65 feet between the new home and the neighbor. Mr. Meyer said there was a concern originally about the size of the home but this design is more in tune with the

neighborhood. The side-loaded garage was better also. There was a proposed drainage plan that would benefit the offsite drainage.

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

A motion to approve the subdivision subject to all the discussions in this application with the improvement of a home that was in character with the neighborhood was made by Mr. Zoschak, seconded by Mr. Verge.

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

NEW APPLICATIONS:

PBA-09-002 William Farley, Dell Avenue (Old Dell Ave. and Berkshire Valley Road) Block 7002,

Lot 3,4,5. Major Subdivision Application to create six lots in R-2 Zone. The attorney for the applicant requested that this matter be continued to the July 15, 2009 meeting.

This matter was carried to July 15, 2009 meeting with no further notice.

PBA-09-006 - Skeparoski, Jovan Block 2613, Lot 9, Route 46 and North First Avenue

Minor Subdivision and Preliminary Site Plan Application

Edward M. Dunn, Esq. represented Jovan Skeparoski. This is a single "L"-shaped lot between Route 46 and North First Avenue, 15,500 sf. A residential home was constructed on the North First Street side in the R-4 zone on a proposed 10,500 sf lot. The zone permits a minimum of 7500 sf. The zone line runs right through the property and separates the dwelling side from the commercial side on Route 46 in the B-2 zone. There was a commercial structure on the property when it was purchased that the Zoning Officer asked to be removed in order to build the house. Mr. Skeparoski is a contractor and wants to put his business there and had not intended to abandon the commercial use. These were probably originally separate lots. The proposed commercial lot is undersized at 5,000 sf. where 10,000 sf is required. The undersized lot is consistent with other commercial lots in the area and the zone line separates lot and creates a hardship.

Mr. Skeparoski, 12 North First Avenue, was sworn in. His father is the owner of this property. A building permit was applied for in 2006. A Model dairy building, 20' x 30', was there when they purchased it. He wanted the property because it was commercial and residential. He went to the town and they told him to remove the dairy which he did. He wants a personal office for himself and one employee for his interior drywall business. Customers don't come to building, his business is referrals. He would use building for paperwork and an office, Monday through Friday from 8-5. He will comply with the ordinance and not conduct business after 11 p.m. or before 4 a.m. because he is

adjoining a residential zone. A photo of property on Route 46 was marked as A-1. This block along Route 46 has predominantly 50-55' wide by 100' deep lots. A photo of the properties across the street was marked A-2. A photo of Block 2613, Lot 5, Exhibit A-3, was of Diamond Glass and Mirror also in the neighborhood. Exhibit A-4 was Mr. Secco's single-story office next door. Exhibit A-5 was a two-story mixed retail and office on 50' wide lot, Block 2612, Lot 20, Block 2613, Lot 11 was a 50' x 100' lot with a residence, two doors down and the photo was marked A-6. This area is mixed use, residential and commercial. Exhibit A-7 was a photo from the property looking east, A-8 was a photo looking west from the property. This photo showed that no sidewalks are adjacent to the property. Exhibit A-9 was a photo of an existing 6' fence separating the proposed lots. Exhibit A-10 is a photo of Block 2613, Lot 8. that shows a 6' fence between residential and commercial lots.

Regarding the comment on street trees, there is one small tree between the road and Mr. Skeparoski's home on North First Avenue. There are some very old trees in the neighborhood but some properties have no trees. He takes good care of his lawn and landscaping. Exhibit A-11 was a photo of his home.

Mr. Stern said there are sidewalks in the area as indicated in the aerial. They are not immediately next to the property. There is a concrete channel on the neighboring property. Mr. Zoschak said there are street trees on North First Avenue according to the aerial. The proposed office is a one-story structure as are the buildings to the east and west of the property.

Regarding the request for design waivers for sidewalks, since there is usually no provision to require sidewalks in the future, we need to start somewhere. Mr. DeFillippo would like to have sidewalks installed in the community and the Board can't keep waiving it. The Economic Development Committee is looking at ways to revitalize this area and sidewalks are part of the plan to promote pedestrian activity. Mr. Dunn suggested the town could make assessment for a public improvement fund and install them in an organized way as the adjoining properties are not likely to be going to be going before the Board. Mr. Zoschak said school budgets are cutting transportation costs and sidewalks will be needed. Mr. Dunn did not think this was an appropriate place to put a sidewalk.

Engineer Nick Wunner was sworn in and was qualified as an expert witness. He addressed the issues of Mr. Ferriero's letter of June 11th. Preliminary and final approval was requested simultaneously and the Board did have the discretion to do this. If approved they will submit lot calculations and legal descriptions and deeds.

Exhibit A-12 was colorized Sheet 3 of the plan and Mr. Wunner explained the proposed sidewalk entrance, grade of the slope and curb that would address Mr. Ferriero concerns. He agreed with the rest of his comments with the exception of the driveway width; they had DOT approval for a 20' driveway, the access and drainage. The permit #846002-209 was marked Exhibit A-13. Mr. Ferriero felt that for a different use in the future it would

be better to have a 24' wide driveway but this was a Board decision. Mr. Stern also recommended 24' as per the code.

Mr. Wunner said that the future use was limited with a 990 sf building and the four parking spaces. The DOT accepted this driveway and there would be limited traffic. Increasing it would add more impervious coverage but even with 24' width it would be under but this change would require a new DOT permit. They have a shop in Bergen County where all the employees are so they would not be at this site. DOT approved the access permit, drainage, utilities also. They have submitted the Soil Erosion Plan to Morris County Soil Conservation District and they wanted calculations on the amount of disturbance and they will comply and anticipate approval. With regard to the moving the light fixture on the east side and reducing the height of the fixture; they put it on the side to light the parking lot and so it didn't spill over but will move it and agree with changing the height because it could be hit by people backing up. They agreed to the other items. The canopy has an access light in it. The details are on the architectural plans along with the lighting of the sign on the building.

Mrs. Lutz noted in this neighborhood the buildings are up closer to the road and asked if they had tried to put the building in the front and parking in the back. Mr. Wunner said the setbacks made it impossible to get to parking in the back. The older buildings are very close to the sidelines and they will landscape the back. She wondered if any landscaping could be done in the front but Mr. Stern felt the space was very limited and you need to have sight lines also. He wasn't recommending street trees. He recommended small, vertical trees and perennials possibly on the east side. They will meet with Mr. Stern and work out the landscaping. Mr. Meyer said the development of Route 46 is important to the EDC and the Council wants this project to be attractive.

To address the outstanding items in Mr. Stern's June 5, 2009 report: most communication is electronic or by regular mail and the only deliveries would be Fed Ex and not frequent. They submitted colored architectural elevations marked Exhibits A-14, 15 & 16. There were no comments from the Fire or Police Officials. With regard to comments related to the variance for lot size; lot width and frontage; they can't buy more property and this is the last vacant piece of property in the area that can be developed. The rear yard setback was 15' instead of 20' because of the parking requirements including a van accessible space and handicap space and the size of building at 990 sf. A fence exists and landscaping is proposed. A 10' parking setback from the building was not needed because the sidewalk goes into the entrance. There was no room for a 35' landscape buffer. There is a concrete swale in the DOT right of way on their property that will remain as it drains Mr. Secco's property. They will note underground utilities and indoor recyclables. There are no rooftop mechanicals as there is a gable roof and the condensers will be in the rear. There will be no communication antennas on the roof. They will get the capacity allocation from the engineer after approval. A design waiver for the sidewalks will be needed because they will run into pole if 5 1/2' off the curb. Mr. Stern had no objection to a waiver for a curb on North First Avenue. A waiver for the minimum 10' setback of driveway was needed because of DOT requirements and the setbacks of curbs on the east and west are 4'. There is not enough room for a parking

area 20' from the right of way and the DOT approved the plan because this is a constrained lot.

They agree to meet with Mr. Stern about landscaping. The 5' sidewalk area is only at the entrance, not along the frontage and they will have landscaping on either side. They do not need a pick-up space because there will be few deliveries. They will relocate the lighting to the west and comply with the Board's recommendations on lighting. The wall mounted sign will be up lighted and illuminated from the canopy. The freestanding monument sign can't be perpendicular. There will be a sign on the building so they are withdrawing application for a free standing sign. The wall signs will be individual letters, "Times" font. They will irrigate with two hose bibs. They agree with all the other landscaping comments. The location of electric and gas meters will be on the side and the water meter will be inside. Mr. Stern recommended street trees only on North First Avenue. There is no land area available for much of a landscaping buffer or shade trees in the parking area.

Mr. Wunner felt the design, use and lot size was consistent with other buildings and there are no negative impacts especially with the landscaping. Mr. Defillippo felt the good news is that the application is not inconsistent but it does nothing to improve the character of the corridor except that it is a fresh building.

The final issues were the simultaneous preliminary or final approval, the width of the driveway, the lighting, street tree on North First Street, sidewalks and variances.

The meeting was open to the public. Edward Secco, land surveyor and planner, has an office at 459 Route 46 adjacent to this property, was sworn in. He gets along well with the applicant and was concerned that this property will be sold in the future and a real estate office was a possibility in the future. The structure that was removed was an ice house and Model Dairy was involved in it. There was no access to the ice house from Route 46; the access was from a residential area in the back. It was there in the 50's when he constructed his building. He was concerned that products were brought in and disposed of into a drain into a septic tank. There was no toilet there. Organics might have migrated into his property. The icehouse had a milk machine and it paved up to a milk machine. The DOT put curbing in and left a depressed curb and then the Town put in a sewer. A water main also is there. The sidewalks will go over the pipelines. His wife's car was hit pulling out on Route 46; the sight distances aren't good; it is dangerous and they will have difficulty pulling out. He doesn't leave his property from Route 46 because they have access to North First Street. He admitted the applicant keeps his property beautifully but some items were stored on the property now.

Mr. Skeparoski said there was no septic when he purchased the property and he hooked his house up to the existing sewer line to the commercial building.

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

For the DOT plans they will have to show them everything and they look at sight distance. Mr. Ferriero agrees it is difficult to go left out of Route 46. If the DOT thinks it is unsafe, they won't issue the permit.

Mr. Meyer is a believer in sidewalks and opportunities have been missed in the past but on Route 46, short sections surrounding by relatively small properties would look odd. Mr. Lutz said across the street, Subway has sidewalks and was in favor of sidewalks. Mr. Verge was on a streetscaping committee in Succasunna and new applications require sidewalks. An informal vote showed the majority of the Board was in favor of sidewalks on Route 46 with a waiver for sidewalks on North First Street. The placement of the sidewalk should be consistent with the lot to the west.

The applicant didn't want to put any street trees on North First Street. Mr. Stern felt this was a big open area; a number of homes don't have trees but a tree would diminish the scale of this larger home. The applicant agreed to plant a larger shade tree between the house and road.

The 24' driveway would cut down the amount of sidewalk but they would have to go back to the DOT for approval at an additional cost. Mr. Ferriero said a 24' driveway gives a little more room for maneuvering into the driveway. An informal vote indicated that a 20' driveway was okay.

The design waivers will be worked out according to Mr. Stern's recommendations. The location of light fixture will be put where it won't get hit, the height reduced to 16' and they will revise the lighting calculations.

They will have to bond more improvements if they go for Preliminary and Final approval at the same time. In today's economic climate they could make an exception provided it is inspected by the Board professionals. They will have to correct the fees also. The Board was in favor of simultaneous Final and Preliminary approval.

A motion to approve the Preliminary and Final Site Plan application subject to the conditions agreed on including bonding was made by Mr. Schwab, seconded by Mrs. Lutz.

Roll Call: Mr. Shadiack, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Verge, yes; Mr. Schwab; Mr. DeFillippo, no; Mr. Meyer, yes

KBC Properties, LLC. (Kuiken Brothers Lumber) Route 10 East Block 1905, Lots 11 & 13 Extension of Approval of Soil Movement Permit obtained in June of 2008.

A motion to grant the extension to June 4, 2010, was made by Mr. Zoschak, seconded by Mr. Shadiack.

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

NEW BUSINESS:

Mr. Stern updated the Board on COAH. The Fair Housing Council didn't object to their plan so COAH started to review it and we did have to shift units from the 3rd round to the 2nd round that resulted in extra units toward the 4th round. COAH is making a concentrated effort to approve the plan.

In terms of the Land Use Element they are working on the Main Street plan to put design elements into the ordinances and that will go before the Master Plan Committee and Main Street Committee.

The Land Use Plan Element needs to be adopted because, if the town goes for Highlands Plan conformance, there is a module of the Highlands and they will have to update it again. Mr. Stern was reviewing the edits and will sort it out with the Master Plan Committee that includes Mr. DeFillippo, Mr. Meyer, Mr. Zoschak and Mr. Germinario.

The July 1st meeting will be cancelled.

The meeting was adjourned by motion at 9:40 p.m.

Eugenia Wiss, Board Secretary