

SEPTEMBER 16, 2009, MINUTES

A regular meeting of Planning Board of the Township of Roxbury was held on September 16, 2009, at 7:30 p.m. in the Municipal Building at 1715 Rt. 46, Ledgewood, N.J. with Vice Chairman Larry Sweeney presiding. After a Salute to the Flag the Vice Chairman read the "Open Public Meetings Act".

BOARD MEMBERS PRESENT: Michael Shadiack, Larry Sweeney, Linda Lutz, Richard Zoschak, Andre Verge, Charles Bautz and Robert DeFillippo

ABSENT: James Rilee, Joseph Schwab and Chairman Scott Meyer

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

Also present, Eugenia Wiss, Board Secretary.

MINUTES:

A motion to approve the minutes of September 2, 2009, was made by Mr. Zoschak, seconded by Mrs. Lutz

Roll Call: Mr. Zoschak, yes; Mrs. Lutz, yes; Mr. Shadiack, yes; Mr. Sweeney, yes

RESOLUTIONS:

PBA-09-003 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.

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Denied: September 2, 2009
Memorialized: September 16, 2009**

**IN THE MATTER OF WILLIAM FARLEY DEVELOPMENT CORP.
MAJOR PRELIMINARY SUBDIVISION APPLICATION
BLOCK 7002, LOTS 3, 4 and 5
APPLICATION NO. PB-09-003**

WHEREAS, William Farley Development Corp. (hereinafter known as the "Applicant") applied to the Roxbury Township Planning Board (hereinafter known as the "Planning Board") for major preliminary subdivision approval on 3/3/09; and

WHEREAS, the Applicant has failed to appear for a number of scheduled hearings and/or has failed to submit required information and/or plan revisions.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby deny the application without prejudice.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Planning Board at its regular meeting of 9/2/09.

A motion to approve the Resolution was made by Mr. Zoschak, seconded by Mr. Shadiack.

Roll Call: Mr. Zoschak, yes; Mr. Sweeney, yes; Mrs. Lutz, yes, Mr. Shadiack, yes

PBA-07-00007 KBC Properties LLC. (Kuiken Brothers) Block 1905, Lots 11& 13

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION**

**Decided: September 2, 2009
Memorialized: September 16, 2009**

**IN THE MATTER OF KBC PROPERTIES, LLC
AMENDED PRELIMINARY MAJOR SITE PLAN APPROVAL
BLOCK 1905, LOTS 11 and 13
APPLICATION NO. PBA-07-0007**

WHEREAS, KBC Properties, LLC (hereinafter the "Applicant") was granted preliminary major site plan approval on 6/6/07 by the Roxbury Township Planning Board (hereinafter the "Board");

WHEREAS, the preliminary major site plan approval was memorialized by a Resolution dated 7/11/07;

WHEREAS, Applicant has proposed several minor modifications to the approved site plan with respect to architectural features and landscaping;

WHEREAS, the modifications proposed by Applicant are described in Applicant's letter to the Board dated 7/28/09;

WHEREAS, the Board conducted a public hearing on 9/2/09 regarding the proposed site plan modifications; and

WHEREAS, the Board reaches the following findings and conclusions based on the hearing record:

1. Applicant proposes the following architectural changes:

(a) elimination of the decorative pilasters (columns) on the primary warehouse and the three sided shed;

(b) existing block pilasters on the primary warehouse to be capped with masonry block; and

(c) with respect to the T-Sheds and the Three-Sided Shed, which were originally approved with a fiber cement siding, Applicant proposes to now side these structures using the same pre-finished, vertical ribbed, metal panels as are on the primary structure.

2. Applicant proposes the following landscaping changes:

(a) elimination of evergreen trees located outside the fence to the north of the primary warehouse; and

(b) replacement of "raingarden" perennial plantings in the swales with turf (subject to NJDEP approval, if required).

3. The Board finds that the foregoing modifications are reasonable cost-effective adjustments, in light of current difficult economic circumstances, and that they can be implemented with significantly affecting the aesthetics of the overall site plan, provided that the following adjustments to the modified plan are made:

(a) on the rear elevation of the three-sided shed, decorative leaders will be added to break up the mass, subject to review by the Township Planner;

(b) screening of the three-sided shed will be enhanced by additional evergreen plantings as directed by the Township Planner;

(c) on the T-sheds, corner trim will be added to match the roof flashing, subject to review by the Township Planner; and

(d) on the primary warehouse, masonry block caps will be provided on the existing pilasters, subject to review by the Township Planner.

NOW, THEREFORE, BE IT RESOLVED, that the modifications to the approved preliminary major site plan, as described in Sections 1-3 above, are hereby approved. All other provisions of the Resolution of 7/11/07 shall remain in effect.

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 9/2/09.

A motion to approve the Resolution was made by Mr. Zoschak, seconded by Mr. Shadiack.

Roll Call: Mr. Zoschak, yes; Mr. Sweeney, yes; Mrs. Lutz, yes, Mr. Shadiack, yes

PBA-09-008 Francisco, Alan Block 11002, Lot 43 318 Kingsland Road
Steep Slope and Minor Site Plan Application with variances for a wall and parking.

ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

Decided: September 2, 2009
Memorialized: September 16, 2009

IN THE MATTER OF ALAN AND MARIE FRANCISCO
STEEP SLOPE SITE PLAN APPLICATION
BLOCK 1102, LOT 43
APPLICATION NO. PBA-09-008

WHEREAS, Alan and Marie Francisco (hereinafter the "Applicant") applied to the Roxbury Township Planning Board (hereinafter the "Board") for steep slope site plan approval on 5/7/09; and

WHEREAS, the application was deemed complete by the Board, and public hearings were held on 7/15/09 and 9/2/09; 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 9,270 square feet located in the R-3 Residence District. This is a waterfront property developed with a single-family dwelling. The property is steep sloped with a grade of roughly 973 feet at the front of the property and sloping down to the rear of the property with an elevation of 926 feet by the bulkhead. A series of stairs have been constructed from the driveway to access the home and dock. Vehicular access to the dwelling is provided by a paved driveway that traverses two properties to the north, before ending in front of the applicant's home with parking for approximately two vehicles. Public sewer and private shared well service the home.

According to the engineers calculation, of the 9,270 square foot lot area, 4,221 square feet (67.5% of the tract) are critical slopes of 25% and greater. Adjoining the site to the north and south are properties also containing steep slopes that are developed with single-family dwellings. Kingsland Road is an undersized private street that is not constructed to Township specifications.

2. The development of the subject property proposed by the Applicant comprises steep slope site plan approval with a variance for impervious coverage and design waivers to disturb steep slopes in the >25% category and construct a parking area with a block retaining wall for approximately four cars adjacent to the Kingsland Road/driveway. The paved parking area along the road is roughly 55 feet wide. A timber guide rail and 36" high board on board fence will be constructed along the top of the retaining wall and new stairs built to the southeast. Pursuant to Section 13-7.818, the application is before the Planning Board since construction of the parking area will exceed allowable levels of steep slope disturbance in the >25% category. A smaller parking area with retaining wall was constructed without permits in the vicinity of the proposed larger parking area. The existing wall will be removed for construction of the new parking area. At its highest point the upper retaining wall will have an exposed face of 11.5 feet and lower retaining wall of 6.7 feet.

Revised plans have been submitted that locates a paved parking area with an opening of 55 feet wide along Kingsland Road, that easily accommodate four vehicles. The wall setback from the adjoining southerly lot is increased and the height of retaining wall is decreased from 18.5 feet to 11.5 feet. Some of the existing wood and block stairs will be removed and the existing nonconforming shed relocated. The 36-inch caliper Oak along Kingsland Road will be removed. Proposed impervious coverage was increased from 42.57% to 45.8% (25% permitted).

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 Careaga Engineering, Inc.

- Sheet 1, Cover Sheet, dated 3/24/09,
revised 8/10/09
- Sheet 2, Existing Conditions Plan,
dated 3/24/09, revised 8/10/09
- Sheet 3, Site/Grading Plan, dated 3/24/09,
revised 8/10/09
- Sheet 4, Soil Erosion & Sediment Control Plan,
dated 3/24/09, revised 8/10/09
- Sheet 5, Steep Slopes Disturbance Plan,
dated 3/24/09, revised 8/10/09

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

Steep Slopes and Minor Site Plan applications

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 7/9/09
(updated 8/31/09)

Paul Ferriero, PE, PP, CME, LEED, dated 7/9/09
and 8/28/09

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 8/11/09 (Notice of Violation)

Melanie Michetti, PE, CME, Sr. Assistant Township Engineer, dated 7/15/09

Roxbury Township Environmental Commission, dated 7/8/09

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

B-1 – B-3 Photos of existing conditions on the subject property

A-1 Photo of neighboring house to the north

8. In the course of the public hearings, the Applicant represented himself, and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Jeffrey Carreaga, PE, Applicant's engineer

9. The subject property has the following pre-existing non-conformities:

	<u>Required</u>	<u>Existing</u>
Minimum lot area	15,000 sq. ft.	9,270 sq. ft.
Minimum lot width	100 ft.	71.75 ft.
Minimum lot frontage	90 ft.	70.267 ft.
Rear yard setback	35 ft.	5.5 ft.
Side yard setback	10 ft.	9.4 ft.
Lake setback	50 ft.	<50 ft.
Side yard accessory structure	5 ft.	0 ft.
Max. impervious coverage	15%	33.49%
No accessory structure in the front yard		Shed
Min. driveway setback	5 ft.	0 ft.
Retaining wall setback equal to height of wall		0 ft.

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

- A variance is necessary from Section 13-7.818 as grading for the proposed parking area will exceed allowable area of steep slope disturbance.

- A variance is necessary from Section 13-7.810.1B, that prohibits an accessory building located within the front yard area between the road right-of-way and principal building. The Applicant proposes to replace an illegally erected shed with a new shed (maximum 8' x 10') to be located at the bottom of the proposed masonry stairs.

- A variance is necessary from Section 13-7.1301D.8 as the maximum impervious coverage in the R-3 District shall not exceed 25% of the lot area while the applicant proposes to increase impervious coverage from 33.49% to 45.8%.

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

The requested variances are justified pursuant to NJSA 40:55D-70(c)(2), as the proposed improvements benefit neighboring properties by facilitating parking and vehicle turn-around and alleviating existing hazardous conditions.

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.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the steep slope site plan 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 Sections 10 and 11 above.

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

1. The retaining wall shall maintain a setback from the property line equal to the wall height above grade. Additional top and bottom of wall elevations shall be provided to verify compliance.

2. The retaining wall shall not exceed a height of 5 feet within 10 feet of a property line. Additional top and bottom of wall elevations shall be provided to verify compliance.

3. A detail of the board on board fence shall be provided. Due to the fence orientation to the street and adjoining properties, both sides shall be "finished."

4. Pursuant to Section 13-8.809L, retaining wall design calculations shall be submitted by the Applicant and approved by the engineering department.

5. Pursuant to Section 13-8.809N, certification of the subgrade and backfill by a qualified soils engineer may be required.

6. The presence of underground pipes and utilities in the vicinity of the driveway shall be verified.

7. Additional landscaping shall be provided along the highest retaining wall and along the adjoining property to the north in accordance with a plan to be submitted to the Township Planner for approval.

8. The stormwater management system involves a stone bed behind the retaining wall. The stone bed will be reconfigured to the satisfaction of the Board Engineer to minimize seepage of stored runoff through the wall.

9. Since the project lies within a riparian buffer, Applicant shall apply for a Flood Hazard Area Permit or comply with a permit by rule from the NJDEP.

9A. Storage of recreational vehicles in the parking area is prohibited.

10. 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 Kingsland 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 Kingsland 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.

11. 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."

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

13. 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.

14. 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.

15. 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 9/2/09.

A correction to the Resolution for no recreational vehicle storage in the parking area was made and the Resolution above reflects the correction.

A motion to approve the Resolution with the correction was made by Mr. Zoschak, seconded by Mr. Sweeney.

Roll Call: Mr. Zoschak, yes; Mr. Sweeney, yes; Mrs. Lutz, yes, Mr. Shadiack, yes

MASTER PLAN - ADOPTION OF LAND USE PLAN ELEMENT

Frank Banisch of Banisch Assoc. and Russell Stern presented the Land Use Plan Element Update. They have been working since August of 2007 to update the Land Use Plan Element that was done in 2000. They followed through on a number of recommendations that were contained in the 2005 Master Plan Reexamination Report and 2006 Build-Out Capacity Analysis. Some old scripser errors were corrected. They had received input from the Administrative Staff, the Board Attorney, Mr. Banisch, the Master Plan Committee and other committees.

The principal issues are the incorporation of the Master Plan goals and objectives all in one document. The plan addresses infill development to protect community character and looks at density. It was a long process because of COAH and Highlands legislation. They need to adopt this document before future changes are mandated by Highland Council.

Mr. Banisch said the State Stormwater management requirements were now referenced in the Master Plan. His memorandum of September 16, 2009 summarized the key areas. Vehicular service stations were specifically referred to in the Plan. Mr. Zoschak suggested that there should be a clarification of types of service stations.

Community character protection while providing a means to improve and construct homes using tools that have been proved useful in other towns was incorporated into the Plan. Neighborhood rebuilding especially with teardowns and over sized lots can affect affordability and neighborhood character.

Mrs. Lutz wondered if the Plan had flexibility, with regard to changes to B-2 zone. The Plan does not address this specifically but the plan was flexible and another re-examination was due in 2011. There was language in the Plan to continually analyze density and uses within all zones.

Another item in the plan was “Grandfather” protection for setbacks on undersized lots. For non-conforming lot owners improving their property would be less onerous and the Ordinances will be carefully crafted.

Some zone changes to the map were made and these were to clean up old zoning map changes. Mr. Stern gave the Board some examples. They were mostly housekeeping changes with no substantive changes of intent.

Mrs. Lutz suggested incorporating energy saving and conservation design elements (LEED level architecture) into the Architectural Design Standard. This will be incorporated in the Plan.

A motion to adopt the Land Use Plan Element of the Master Plan with that addition was made by Mr. Bautz, seconded by Mr. DeFillippo

Mr. DeFillippo, yes; Mr. Shadiack, abs.; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Verge, yes; Mr. Bautz, yes

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION ADOPTING AMENDMENT
TO THE LAND USE PLAN ELEMENT OF THE MASTER
PLAN**

WHEREAS, the Roxbury Township Planning Board (the “Board”) has conducted a review of the Land Use Plan Element of the Roxbury Township Master Plan and has determined that certain portions of the Land Use Plan Element should be updated; and

WHEREAS, the Board and its professional consultants have drafted a Land Use Plan Element Update; and

WHEREAS, the Planning Board deems it appropriate to amend the Master Plan to incorporate the Land Use Plan Element Update; and

WHEREAS, the Planning Board held a public hearing with notice on September 16, 2009, regarding the proposed Master Plan amendment comprising the Land Use Plan Element Update.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Roxbury, in the County of Morris, State of New Jersey, that the Land Use Plan Element Update, a copy of which is attached hereto, is adopted as an amendment to the Land Use Plan Element of the Master Plan.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Planning Board at its meeting of September 16, 2009.

COMPLETENESS:

PBA-09-011 Roxville Associates (Roxbury Mall) 275 Route 10 Block 4901, Lots 3 & 4 and Block 5004, Lots 5,7 & 8
Amended /Final Site Plan

Mr. Stern explained the original proposal was for three canopy corrals for carts for Home Depot with a loss of 6 parking spaces, however, a count on the total parking area was needed and there was a lot of conflicting data so they needed to come before the Board to deal with parking ratios area in its entirety and FAR. The only site improvements are the corrals and that is why the waivers were deemed appropriate. The staff recommendation was to grant the waivers for completeness purposes and deem the application complete.

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

Michael Shadiack, yes; Larry Sweeney, yes; Linda Lutz, yes; Richard Zoschak, yes; Andre Verge, yes; Charles Bautz, yes

It will be scheduled for the October 7th meeting

APPLICATIONS:

PBA-09-010 Seeger, Jeff 278 Berkshire Valley Road Block 13001, Lot 3
Minor Subdivision in the R-2 Zone. The notice for this application was not proper so the matter cannot be heard. The Board had no jurisdiction to hear this matter so they have to renote for the October 7, 2009 meeting.

PBA-09-015 Morris County Courtesy Review Block 8002, Lot 12 125 Mountain Road
Courtesy Hearing for Radio Tower / Verizon Wireless

Randy Bush, First Assistant for Morris County Counsel, appeared. They had submitted a letter on July 29, 2009 and supplemented that with a letter dated September 2nd which included plans and aerial photos. Thomas Zellman, the Director of the Morris County Law and Public Safety, the Engineers who prepared the Plan and representatives from Verizon were also present if needed. An arm of Verizon's lease will be located at 124' level of the 220' existing tower. The replacement structure will have a bump or jag that will house Morris County Equipment and will be the same size and the site will be restored. The aerial shows the location of the new structure that is within the fence. Mr. Zellman showed the shelter on the aerial that is going to be replaced by an aggregate sided building inside the fence. This is just another set of antennas on the tower, they have removed the big horns. It doesn't impact the trail to the right of the fence line.

Jim Morowski of E-2 Management who prepared the plans said Verizon will have a backup generator. It is small and enclosed in a shelter and used twice a monthly during the day. It will not exceed decibel levels at the property line. There is adequate

separation distance between, it's a wooded area and they will have sound attenuation hoods to be on the safe side. Residents should not hear anything.

Mr. Stern felt the typical improvements he usually requires aren't applicable on this site because of the surrounding wooded areas and distance to adjoining properties. Landscaping or different treatment to the shelter was not necessary. The lights will be on a manual switch.

The Board was satisfied with the plan as presented and no Resolution was necessary. Mr. Bush also did not need a Resolution.

S-09-06-Roxwood Associates, LLC.US Route 46 and Route 80 Block 9401, Lots 1,2 & 13 & 9302, Lot 1, R-5 Zone

Confirmation of tolling or extension of Preliminary Site Plan Approval. Mr. Germinario said this project known as the Muscarele project was a development that includes an affordable housing component that was approved in September of 2006. It is part of our Housing and Fair Share Plan. The three year approval expires on Nov. 1, 2009, and they want a one year extension to November 2010. The Board can grant three extensions and he felt this was an appropriate instance for an extension.

A motion to approve the Extension and Resolution was made by Mr. Bautz, seconded by Mrs. Lutz.

Mr. DeFillippo, yes; Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Verge, yes; Mr. Bautz, yes

NEW BUSINESS:

REVIEW OF LAND DEVELOPMENT ORDINANCE REVISIONS AND COAH ORDINANCES FOR MASTER PLAN CONSISTENCY

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Approved: September 16, 2009
Memorialized: September 16, 2009**

IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 15-09 TO AMEND CHAPTER XIII, LAND DEVELOPMENT ORDINANCE, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Planning Board has reviewed the proposed Ordinance No. 15-09 and has received input from the Township Planner and Planning Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 9/16/09; and

WHEREAS, based upon its review and that of the Township Planner and the Planning Board Attorney, the Planning Board has determined that the proposed Ordinance is consistent with the Master Plan, promotes the goals and objectives of the plan, and corrects and/or clarifies errors, omissions and/or contradictions in the existing Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby find and determine that proposed Ordinance No. 15-09 to Amend Chapter XIII, Land Development Ordinance, of the Revised General Ordinances of the Township of Roxbury, County of Morris, State of New Jersey, is consistent with the Roxbury Township Master Plan and with the planning goals and objectives of the Township. The Planning Board Secretary is hereby directed to advise the Township Council of said determination by the Planning Board.

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

Approved: September 16, 2009
Memorialized: September 16, 2009

IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 16-09 TO AMEND CHAPTER XIII, LAND DEVELOPMENT ORDINANCE, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Planning Board has reviewed the proposed Ordinance No. 16-09 and has received input from the Township Planner and Planning Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 9/16/09; and

WHEREAS, based upon its review and that of the Township Planner and the Planning Board Attorney, the Planning Board has determined that the proposed Ordinance is consistent with the Master Plan, promotes the goals and objectives of the plan, and corrects and/or clarifies errors, omissions and/or contradictions in the existing Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby find and determine that proposed Ordinance No. 16-09 to Amend Chapter XIII, Land Development Ordinance, of the Revised General Ordinances of the Township of Roxbury, County of Morris, State of New Jersey, is consistent with the Roxbury Township Master Plan and with the planning goals and objectives of the Township. The Planning Board Secretary is hereby directed to advise the Township Council of said determination by the Planning Board.

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

Approved: September 16, 2009
Memorialized: September 16, 2009

IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 17-09 TO AMEND CHAPTER XIII, LAND DEVELOPMENT ORDINANCE, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Planning Board has reviewed the proposed Ordinance No. 17-09 and has received input from the Township Planner and Planning Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 9/16/09; and

WHEREAS, based upon its review and that of the Township Planner and the Planning Board Attorney, the Planning Board has determined that the proposed Ordinance is consistent with the Master Plan, promotes the goals and objectives of the plan, and corrects and/or clarifies errors, omissions and/or contradictions in the existing Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby find and determine that proposed Ordinance No. 17-09 to Amend Chapter XIII, Land Development Ordinance, of the Revised General Ordinances of the Township of Roxbury, County of Morris, State of New Jersey, is consistent with the Roxbury Township Master Plan and with the planning goals and objectives of the Township. The Planning Board Secretary is hereby directed to advise the Township Council of said determination by the Planning Board.

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

Approved: September 16, 2009
Memorialized: September 16, 2009

IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 18-09 TO AMEND CHAPTER XIII, LAND DEVELOPMENT ORDINANCE, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Planning Board has reviewed the proposed Ordinance No. 18-09 and has received input from the Township Planner and Planning Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 9/16/09; and

WHEREAS, based upon its review and that of the Township Planner and the Planning Board Attorney, the Planning Board has determined that the proposed Ordinance is consistent with the Master Plan, promotes the goals and objectives of the plan, and corrects and/or clarifies errors, omissions and/or contradictions in the existing Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby find and determine that proposed Ordinance No. 18-09 to Amend Chapter XIII, Land Development Ordinance, of the Revised General Ordinances of the Township of Roxbury, County of Morris, State of New Jersey, is consistent with the Roxbury Township Master Plan and with the planning goals and objectives of the Township. The Planning Board Secretary is hereby directed to advise the Township Council of said determination by the Planning Board.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Planning Board at its regular meeting of 9/16/09.

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

Approved: September 16, 2009
Memorialized: September 16, 2009

IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 19-09 TO AMEND CHAPTER XIII, LAND DEVELOPMENT ORDINANCE, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Planning Board has reviewed the proposed Ordinance No. 19-09 and has received input from the Township Planner and Planning Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 9/16/09; and

WHEREAS, based upon its review and that of the Township Planner and the Planning Board Attorney, the Planning Board has determined that the proposed Ordinance is consistent with the Master Plan and promotes the goals and objectives of the plan.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby find and determine that proposed Ordinance No. 19-09 to Amend Chapter XIII, Land Development Ordinance, of the Revised General Ordinances of the Township of Roxbury, County of Morris, State of New Jersey, is consistent with the Roxbury Township Master Plan and with the planning goals and objectives of the Township. The Planning Board Secretary is hereby directed to advise the Township Council of said determination by the Planning Board.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Planning Board at its regular meeting of 9/16/09.

These ordinances have been reviewed by the Board and will be adopted on September 22, 2009. The Board found that all these Ordinances are consistent with the Master Plan.

A motion to deem Ordinances No. 15-09, 16-09, 17-09, 18-09 and 19-09 consistent with the Master Plan and approve the Resolutions was made by Mrs. Lutz, seconded by Mr. DeFillippo.

Mr. DeFillippo, yes; Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Verge, yes; Mr. Bautz, yes

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Approved: September 16, 2009
Memorialized: September 16, 2009**

IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 21-09 TO AMEND CHAPTER XIII, LAND DEVELOPMENT ORDINANCE, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Planning Board has reviewed the proposed Ordinance No. 21-09 and has received input from the Township Planner and Planning Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 9/16/09; and

WHEREAS, based upon its review and that of the Township Planner and the Planning Board Attorney, the Planning Board has determined that the proposed Ordinance is consistent with the Master Plan, promotes the goals and objectives of the plan, and is required in connection with the Housing Element and Fair Share Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby find and determine that proposed Ordinance No. 21-09 to Amend Chapter XIII, Land Development Ordinance, of the Revised General Ordinances of the Township of Roxbury, County of Morris, State of New Jersey, is consistent with the Roxbury Township Master Plan and with the planning goals and objectives of the Township. The Planning Board Secretary is hereby directed to advise the Township Council of said determination by the Planning Board.

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Approved: September 16, 2009
Memorialized: September 16, 2009**

IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 22-09 TO AMEND CHAPTER XIII, LAND DEVELOPMENT ORDINANCE, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Planning Board has reviewed the proposed Ordinance No. 22-09 and has received input from the Township Planner and Planning Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 9/16/09; and

WHEREAS, based upon its review and that of the Township Planner and the Planning Board Attorney, the Planning Board has determined that the proposed Ordinance is consistent with the Master Plan, promotes the goals and objectives of the plan, and is required in connection with the Housing Element and Fair Share Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby find and determine that proposed Ordinance No. 22-09 to Amend Chapter XIII, Land Development Ordinance, of the Revised General Ordinances of the Township of Roxbury, County of Morris, State of New Jersey, is consistent with the Roxbury Township Master Plan and with the planning goals and objectives of the Township. The Planning Board Secretary is hereby directed to advise the Township Council of said determination by the Planning Board.

These are COAH ordinances for Master Plan consistency. Roxbury received third round certification of its housing plan on August 12, 2009, subject to the governing body adopting these two ordinances regarding mandatory development fees and administrative mechanisms for COAH. They replace the existing COAH ordinances with the newer mandated ones and are consistent with the Housing Element and Fair Share Plan.

A motion to deem them consistent with the Master Plan was made by Mr. Bautz, seconded by Mrs. Lutz

Mr. DeFillippo, yes; Mr. Shadiack, yes.; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Verge, yes; Mr. Bautz, yes

CORRESPONDENCE:

There was a discussion Mr. Bucco's letter of September 2, 2009 regarding the law Chapter 82 of P.L.2009, the conversion of age-restricted housing and how it might impact Roxbury.

The meeting was adjourned by motion at 8:30 p.m.

**FOR THE PLANNING BOARD
TOWNSHIP OF ROXBURY**

Eugenia Wiss, Board Secretary