

OCTOBER 7, 2009, MINUTES

A regular meeting of Planning Board of the Township of Roxbury was held on October 7, 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, Larry Sweeney, Linda Lutz, Richard Zoschak, Andre Verge, Charles Bautz and Chairman Scott Meyer

ABSENT: James Rilee, Joseph Schwab and Robert DeFillippo

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

Also present, Eugenia Wiss, Board Secretary.

MINUTES:

A motion to approve the minutes of September 16, 2009, was made by Mr. Zoschak, seconded by Mr. Bautz

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

RESOLUTIONS: none

APPLICATIONS:

PBA-09-010 Seeger, Jeff 278 Berkshire Valley Road Block 13001, Lot 3
Minor Subdivision in the R-2 Zone.

James Porfido, Esq. represented the applicant. Mr. Seeger and Mr. Careaga were also present. They had filed the application in April, had a meeting for completeness and received input on June 23rd and revised their plans. They had notified all property owners within 200' and would like to finalize the subdivision. This subdivision is to build a single-family home. The overall lot size is 1.84 acres. They had received Mr. Kobylarz memo of October 2nd indicating a pro-rated contribution for road repairs/improvements and they were prepared to address that. Mr. Careaga will address Mr. Ferriero's letter of October 4th and they will submit the metes and bounds descriptions and calculations. They have made an application to the Highlands since this property is in the Preservation Area.

Mr. Careaga was sworn in, had previously been qualified and gave the Board an overview. This property has frontage on Berkshire Valley Road and a long frontage on Birch lane. Exhibit A-1 was an aerial photo of property. As a result of the subdivision a

new home will be constructed with a driveway entrance off of Birch Lane. There is an existing house, septic and in-ground pool on the property. Soil logs were performed for the septic and stormwater infiltration system and there is a shallow water table and a low point on the property that accepts water from Birch Lane. There will be an underground water retention system and it will also accept existing runoff from Birch Lane.

They can disturb a maximum of one acre because it is a subdivision in the Highlands Preservation area. Mr. Careaga felt the Highlands Council will approve this application if they comply with the limit of disturbance. The septic and stormwater infiltration and detention systems meet all state codes. The grading should not create additional runoff after construction. There will be deed restriction as to the limit of disturbance and the DEP is reviewing the plans now.

The proposed 2600 sf house is an extended bi-level with an unfinished basement. The stairs going to the house project 12'. The house has a 46' setback, the stairs, 38' setback, 50' is permitted. The applicant is the grandson of the owner, Margaret Porfido. The proposed lot frontage is 136' instead of 150' and requires a variance. A road way dedication triggers more variances. A variance for lot coverage is the driveway is needed, 27.3%, although it was not shown as paved. The pool is not included in the impervious coverage for the remainder lot because an ordinance would be effective by Oct. 15th that a pool would not count as impervious coverage. They would like a waiver for the right of way dedication, 40' instead of 50'. They request waivers for planting street trees, sidewalks and curbs and agreed to plant some shade trees on the property.

With regard to Mr. Stern's report Mr. Jeffrey Seeger was sworn in. He was comfortable with the design that complies with the setbacks. A deck would probably be prohibited in the future because this would be a rear yard setback issue. They have a proposed patio. The existing septic was located. The lot coverage issue will be moot when Council adopts the resolution for pools. They will supply a detailed grading/drainage plan. They will conform to Kobylarz letter and agreed to 6" of topsoil cover. They agreed to install underground electric service. They agreed to the parcel cleanup and will adhere to limit of disturbance on plan and preserve specimen trees. They will need a tree removal permit. They will modify the plans, verify the lot numbers, have the deeds submitted for review, pay the Lot Line Revision fee and Mt. Laurel Development Fee.

The off-site improvements will be done by Township Engineer Mike Kobylarz and will be a pro-rata share.

Most of the items of Mr. Ferriero's October 4, 2009 report had been discussed. It is a narrow building envelope but the house fits in this context. They might have to increase the well casing depending on how it relates to the disposal system. Mr. Careaga said they can move the well or increase the casing.

The meeting was open to the public. Shelia Kelly, 5 Birch Lane, lives across the street. They are concerned about the water and infiltration system. They have been there 17

years and the property floods especially in the winter and there is water damage to the road. Mr. Careaga demonstrated the water flow. They will put in an infiltration basin that is basically a dry well sized to infiltrate all the water on their property into the ground. They will extend the basin for additional capacity per the professionals' comments. Ms. Kelly wondered who maintains the infiltration basin. Mr. Ferriero, Mr. Careaga and Mr. Kobylarz need to meet on this and the owners have the maintenance responsibility on their property. The ground water will have to go through a minimum of two feet of filtration (sand). The roof leaders are going into system and the system is sized for 3 inches of rainfall, 6 inches per hour.

Attorney Carl Wronco is a Roxbury Judge is here as a neighbor who received notice. He was also concerned about the water. Birch Lane needs replacement; it is wet and freezes in winter and heaves. The drainage can go straight down into his house in the winter. The existing driveway on the property is gravel and had to be raised up and has a French drain system. In the winter kids ice-skate on this property. He doesn't want a problem at his house again.

Mr. Meyer said they cannot make anything worse on the property and perhaps improve it and asked Mr. Careaga to clarify how. Mr. Wronco asked if they had a wetlands determination. They did not have a wetlands study and Mr. Careaga said the Highlands Council would require this if that was a possibility. Mr. Ferriero suggested that a qualified wetlands consultant do some soil borings and they agreed to this. The infiltration system will be increased as much as possible in the limit of disturbance unless structures could be installed into the right of way.

Doris Zercher, 6 Birch Lane, has many concerns. Previously a home was built without any public notification and the contractor closed the road during construction. The property level was raised and there was no supervision that contributed to drainage problems. She is worried that her septic will fill up and fail. The previous owner of this property used to have to pump water out of this property. She felt the whole Lane is affected with new building.

The applicant will have to come back after talking to the engineer. By law this applicant can't increase runoff at all and they will make it a better situation in the future by handling the excess water also.

Mr. Stern clarified that no variance would apply for uncovered stairs.

This matter was continued to the October 21st with no further notice.

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

Minor Site Plan Application. Elliot Warm, Esq. represented the applicant. They were here for a number of items. The main one was for approval of site plan that consolidates plans that had been submitted by separate tenants, Home Depot, the theatre, Shoprite.

This plan updates the FAR (Floor Area Ratio) and parking in one consistent site plan. They were asked to prepare a legal document to treat all the lots as one integrated shopping center with reciprocal easement agreements affecting the various lots so if there was ever separate ownership it would be treated as an integrated shopping center with common rights to the parking and other facilities. The Agreement for Cross Easement was marked Exhibit A-1. Atty. Germinario approved this with a correction to a block 4901, Lot 4 and it provides the cross easements and the lot owners have reciprocal rights for infrastructure utility access and so on. A covenant states if lots are ever owned by separate owners, they would still be considered as one site for purposes of FAR. This will assure that if one lot is separated they won't be able to put more FAR. This property has been treated as a whole previously but this clarifies everything.

Mr. Ferriero says this agreement is exactly what was needed and the Board agreed also. The applicant agreed to the comments in the professionals' reports.

Mr. Edward Maceiko was sworn in. He was the engineer who prepared the site plans and had previously been qualified. Home Depot wants to add three cart corrals that will take up 6 parking spaces as depicted on the site plan. The Board previously approved Roneto's (Shoptites) cart corrals that are narrower than these. Mr. Maceiko felt carts take up space in the parking area and take up far more than 6 parking spaces and this would consolidate them. He demonstrated where they were on the plan.

There was a question as to whether employees or customers would use the corrals. Mr. Sal Davino, owner of Roxbury Mall, was sworn in and said without corrals that Shoprite would have 30 parking carts in the lot, 50% of the customers return the carts. The carts are left in the front parking areas. He felt six corrals would be better but Home Depot only wanted three. As to the width of the corrals, they already acquired them, but they were close to the parking space and might need to be made narrower.

Mr. Stern said they have 2,903 spaces and with the corrals, 2897, and was concerned with the width of the corral. They have bigger carts and that might be why they need that width. They will check on the size that is needed and they can vote on this matter at the next meeting.

They need to notice for the signage on the canopy over the corrals and come back with more information on the necessary width of the corrals.

They distributed proposed graphics for the PetCo windows. They will be beige and have four pet images on the storefront; they are photographs of the animals. Mr. Meyer had no objection; it is a matter of taste. This also needs to be noticed for a variance for the number of signs because of the excessive length of blank façade.

The issue of the corrals and signage on Pet Co. will be carried to October 21st. They were advised to decrease the width of the size of the sign on the canopy.

A motion to approve the site plan consolidating the lots was made by Mr. Sweeney, seconded by Mr. Zoschak.

Roll Call: Mr. Zoschak, yes; Mrs. Lutz, yes, Mr. Shadiack, yes; Mr. Sweeney, yes; Mr. Bautz, yes; Andre Verge, yes; Mr. Meyer, yes.

NEW BUSINESS:

Mr. Stern was working on Highlands Plan conformance in the Preservation Area.

The meeting was adjourned by motion at 9:05 p.m.

FOR THE PLANNING BOARD
TOWNSHIP OF ROXBURY

Eugenia Wiss, Board Secretary