

OCTOBER 21, 2009, MINUTES

A regular meeting of Planning Board of the Township of Roxbury was held on October 21, 2009, at 7:30 p.m. in the Municipal Building at 1715 Rt. 46, Ledgewood, N.J. with Charles Bautz presiding. After a Salute to the Flag Mr. Bautz read the "Open Public Meetings Act".

BOARD MEMBERS PRESENT: Michael Shadiack, Linda Lutz, Richard Zoschak, Andre Verge, James Rilee, Joseph Schwab, Robert DeFillippo and Charles Bautz

ABSENT: Chairman Scott Meyer, Vice Chairman Larry Sweeney

PROFESSIONAL STAFF PRESENT: Tom Germinario, Esq., Russell Stern, P.P. and John Hansen, P.E.

Also present, Eugenia Wiss, Board Secretary.

MINUTES:

A motion to approve the minutes of October 7, 2009, was made by Mr. Zoschak, seconded by Mr. Shadiack

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

CONTINUED 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. They had been before the Board on October 7th and were back to address some of the neighbors' drainage issues and provide more information to the Board regarding environmental conditions and drainage capability. Mr. Careaga said they had agreed to enlarge the stormwater retention facility for the property to better allow the offsite drainage to infiltrate into the ground. They met with the Township and Board engineers on the property. The area they are developing had a storm drain and a pipe stub that took water to a pond across the street. The pipe is plugged or broken and doesn't work anymore. Mr. Seeger has agreed to extend the pipe along the back of the property and put a lawn inlet in the low spot of his property where the infiltration occurs so it will overflow into the pipe and outlet in the manner it had in the past and the engineers were happy with that solution.

The infiltration basin will be extended and a pipe put along the front and back of the property and tie into a catch basin shown on the plan and go across the road and outlet towards the pond. This will be detailed out to Mr. Ferriero and Mr. Kobylarz and subject to their approval and also subject to Morris County approval because it is tapped into the

Berkshire Valley Road drainage system. Mr. Rilee asked how often the underground system would be cleaned. It needs to be raked on top once every 3-4 months. A management manual should either be attached to the deed or it be deed restricted with an appropriate reference to it in the deed. The applicant agreed to this.

The meeting was open to the public. No one from the public commented at this time.

Mr. Porfido referenced Mr. Stern's letter of September 30th. They had addressed the open items, waivers, variances and concerns at the last meeting. Mr. Stern agreed and had reviewed the files on a previous subdivision and there are no restrictions on this property. There was only a sight triangle easement. For the previous subdivision they did not need notice because it was a conforming minor subdivision.

The meeting was again open to the public. Sheila Kelly, 5 Birch Lane, asked if the wetlands issue had been addressed. They agreed to have a wetlands expert come to the site to address the need for a wetlands permit and this will be a condition of approval. Mr. Seeger will maintain the grate and this will be referenced in the deed. There will be specifications on how to maintain the system and they will be attached to the deed. The pipe issue on the property had also been addressed. The meeting was closed to the public.

Mr. DeFillippo, Mr. Schwab and Mr. Rilee had listened to the recording of the October 7th meeting with regard to this matter.

A motion to approve the application with the caveats and maintenance condition was made by Mr. Zoschak, seconded by Mr. Rilee

Roll Call: Mr. Zoschak, yes; Mr. Shadiack, yes; Mrs. Lutz, yes; Mr. Bautz, yes, Mr. Rilee, yes; Mr. Bautz, yes; Andre Verge, yes; Mr. DeFillippo, yes; Mr. Schwab, yes

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. appeared for the applicant. As requested at the October 7th meeting they had complied with the notice requirement for variances for signage for the graphics on Petco and Home Depot canopies over the cart corrals. At the last meeting it was agreed that cart corrals are good for the shopping center and the Board viewed that favorably and identifying them that they are associated with Home Depot was helpful. The graphics on Petco will make the shopping center more attractive. They took into account Mr. Stern's comments and the width of the corrals will be smaller than the width of the Shop Rite corrals and the square footage of the signage has been reduced.

The width of the Home Depot cart corrals will be 8'8". The signage will be 36" x 4" and there a model of the signage was shown to the Board. The cart corrals will accommodate the different sizes of the carts.

A Resolution of Memorialization was distributed to the Board. There were corrections regarding the signage and clarification for the Home Depot corrals.

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 application and the corrected Resolution of Memorialization was made by Mr. Rilee, seconded by Mr. Zoschak.

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

Inadvertently, the secretary forgot to call Mr. DeFillippo and Mr. Schwab who had listened to the recordings.

NEW APPLICATIONS:

PBA-09-009 Ribe, Odd and Gudrun 9 Larsen Drive Block 3104, Lot 1 in R-2 Zone Minor Subdivision and variance application.

Larry Kron, Esq. represented the applicant. The properties were purchased in 1955 as two separate lots, lots 7 and 9 on a subdivision map. In 2002 they paid for two separate water hookups and subsequently paid two separate sewer assessments. They built on lot 7 and found out the lots were merged. They want them re-subdivided and the ancillary variances granted. Mrs. Gudrun Ribe was sworn in. She purchased the property in her own name in 1950 or 1955 and subsequently transferred it to her second husband. They built a house on one of the lots and paid for two water and sewer hookups. Exhibit A-1 was the initial deed dated August 17, 1955, Exhibit A-2 was the October 1, 1958 deed; A-3 was a survey showing the two lots, the lot line and referenced the subdivision map of 1949; A-4 was a water company hookup bill with the fees; Exhibit A-5 was an invoice for the connection for 15 Larsen Drive; A-6 was an invoice for the 9 Larsen Drive hookup. Exhibit A-7 was a letter dated July 2, 2009, from Twp. Engineer Mike Kobylarz that was read into the record regarding the necessity of a minor subdivision approval for sanitary sewer allocation.

Mr. Careaga was sworn in. The existing property is in the R-2 zone with a minimum lot area of 25,000 sf., the lot size is 25,065 sf. The lot with the house will have 12,565 sf and proposed lot 12,500 sf. The lot lines were identical to the previous subdivision.

Mr. Germinario explained that the Supreme Court ruled that with regard to subdivisions before 1953 when the Land Use law came into effect, that non-conforming lots with common ownership should be merged. But, if a subdivision was applied for, the Board

should grant the subdivision regardless of the lot sizes as long as they conformed to the previous subdivision subject to any other variances. The Lockner doctrine acknowledged the pre 1953 map. Mr. Rilee said if we charged them a separate sewer connection, they should be two lots and they had supplied enough evidence already. Mr. Bautz brought up the Health Department's memo regarding the well abandonment form and they will demonstrate the well is properly abandoned.

With regard to Mr. Stern's report of October 15, 2009: dimensional variances are required because of the lot sizes including the rear yard setback of existing home. The lot coverage is 28.5% instead of 25% however Mr. Stern did not feel removal of paved surfaces was warranted. A design waiver was requested for right of way width, sidewalks and street trees. There are no sidewalks or street trees in this area and they will preserve the sizeable trees. Any deck would require a variance. They needed a waiver for rear building elevation setback of 8' for a deck. They agreed to comply with items 16 through 23 of Mr. Stern's report. Mr. Zoschak was concerned that the footprint was smaller than others in the area according to an aerial. They would like the house wider and requested a variance for a 42' rear setback so the deck waiver would not be necessary.

Mr. Hansen went over Mr. Ferriero's letter of October 16, 2009 regarding plan changes: the plans need to be signed by the property owners and they need a lot development plan with drywells to be approved by Township Engineering Department including the details for water and sewer connection. The metes and bounds and lot closure calculations should be submitted to Ferriero Engineering for review. The sequence for construction should be updated on the plans. They agreed to all items.

The meeting was open to the public. Dorothy Sarsat of One Larsen Drive also purchased two lots but only uses her property as one lot and was concerned about drainage. Mr. Careaga explained the topography and this lot drains toward her property and they have designed underground drywells to address this. New Jersey stormwater management regulations mandate that there is no additional water after construction. The lot development plans have to be approved by an engineer to prove there will be no additional runoff. No one else from the public commented. The meeting was closed to the public.

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

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

Inadvertently, the secretary forgot to call Mr. DeFillippo and Mr. Schwab

NEW BUSINESS:

Mr. Stern and Mr. Ferriero will give a brief Highlands Preservation presentation to the Council on compliance on October 27th.

The meeting was adjourned by motion at 8:27 p.m.

FOR THE PLANNING BOARD
TOWNSHIP OF ROXBURY

Eugenia Wiss, Board Secretary