

JUNE 2, 2010 MINUTES

A regular meeting of Planning Board of the Township of Roxbury was held on June 2, 2010, at 7:30 p.m. in the Municipal Building at 1715 Rt. 46, Ledgewood, N.J. After a Salute to the Flag the Chairman read the Open Public Meetings Act.

BOARD MEMBERS PRESENT: Linda Lutz, Larry Sweeney, Richard Zoschak, James Rilee, Michael Shadiack and Chairman Scott Meyer

ABSENT: Robert DeFillippo, Joseph Schwab, Tom Carey, Charles Bautz, Andre Verge

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

Also present Eugenia Wiss, Planning Board Secretary

MINUTES:

A motion to approve the minutes of May 5, 2010 was made by Mr. Zoschak, seconded by Mrs. Lutz

ROLL CALL: Mr. Shadiack, yes; Mr. Zoschak, yes; Ms. Lutz, yes; Mr. Meyer, yes

RESOLUTIONS:

Resolution Authorizing the Appointment of Harold Maltz of Hamal Assoc. as Consulting Traffic Engineer to the Planning Board

**RESOLUTION AUTHORIZING THE APPOINTMENT OF
HAROLD MALTZ OF HAMAL ASSOC., INC.
AS CONSULTING TRAFFIC ENGINEER TO THE PLANNING BOARD**

WHEREAS, there exists a need for the appointment of a consulting traffic engineer by the Planning Board of the Township of Roxbury to advise the Planning Board regarding circulation and traffic impact of the development proposed in the site plan application of A&E Ventures of Roxbury (the "Applicant") PBA-09-013, and

WHEREAS, the funds for this purpose will be paid out of Applicant's escrow account, and

WHEREAS, Section 40:55D-24 of the Municipal Land Use Law states that the Planning Board may employ, or contract for and fix the compensation of experts, and other staff and services as it may deem necessary; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:A-11 etc. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be made available for public inspection; and

WHEREAS, Harold Maltz of Hamal Associates is familiar with the Township of Roxbury and has acted as consulting traffic engineer to the Planning Board on other development applications; and

WHEREAS, the Board wishes to retain Harold Maltz as a Consulting Traffic Engineer to advise the Planning Board regarding traffic impact of the development proposed in the site plan application of A&E Ventures of Roxbury PBA-09-013.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Roxbury as follows:

1. Harold Maltz of Hamal Associates is retained to serve as a Consulting Traffic Engineer to the Board regarding traffic impact of the development proposed in the site plan application of A&E Ventures of Roxbury PBA-09-013, not to exceed \$2500 unless authorized by the Board, at an hourly rate of \$170, plus expenses.
2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the local Public Contracts Law because traffic engineering services are rendered by persons authorized by law to practice a recognized profession.
3. A copy of this resolution shall be published in the official newspaper as designated by the Township Council as required by law.
4. This resolution shall take effect immediately.

The undersigned does hereby certify 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 5/5/10.

A motion to approve the Resolution was made by Mr. Rilee, seconded by Mr. Zoschak.
ROLL CALL: Mr. Shadiack, yes; Mr. Sweeney, yes; Mr. Rilee, yes; Mr. Zoschak, yes;
Ms. Lutz, yes; Mr. Meyer, yes

PBA-09-21 Carton Enterprises, LLC (Anthony Barreiro, Landing Market) Block 11301, Lot 16 Minor Site Plan Application:

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Decided: May 5, 2010
Memorialized: June 2, 2010**

**IN THE MATTER OF CARTON ENTERPRISES LLC
MINOR SITE PLAN APPROVAL
BLOCK 11301, LOT 16
APPLICATION NO. PBA-09-0021**

WHEREAS, Carton Enterprises LLC (hereinafter the "Applicant") applied to the Roxbury Township Planning Board (hereinafter the "Board") for minor site plan approval on 4/22/10; and

WHEREAS, the application was deemed complete by the Board, and public hearings were held on 5/5/10; 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 16,389 square feet (0.376 acres) located in the B-1 Limited Business District. It is developed with an 8,958.5± square foot

one-story retail/service building. The site exhibits numerous pre-existing nonconforming conditions including site design, floor area ratio, lot coverage, building setbacks, parking setbacks, quantity of parking spaces, trash/recycling, loading, drainage, lighting, residential buffer, and landscaping. Single-family homes are located to the east and south, a municipal park to the north, and Shore Hills Country Club to the west across from Mount Arlington Boulevard. According to the partial plot plan, the property accommodates 19 parking spaces, but under current regulations the building requires 40 spaces. Some of the parking spaces along Rogers Drive and Mount Arlington Boulevard partially extend into the road right-of-ways. The building is divided into two tenant spaces with an access to Landing Market convenience store facing Rogers Drive and an access to Generations of Dance facing Mount Arlington Boulevard. The convenience store contains a deli section, and refrigeration units for drinks and perishable product. The store operates Monday through Saturday 6:00 a.m. to 9:00 p.m. and Sunday 7:00 a.m. to 7:00 p.m. Generations of Dance received minor site plan approval, with conditions, from the Planning Board on August 1, 2007 (memorialized 9/5/07) for four (4) dance rooms, a lobby-waiting area and hallway.

2. The development of the subject property proposed by the Applicant comprises minor site plan/change of use approval to add a 6 burner stove and oven to cook food, such as breakfast sandwiches, bake turkey breasts and other meats for take-out. Also included in the application is a proposal for a 8' x 10' walk-in cooler for the storage and retail sale of meats. No exterior improvements or renovations are proposed. The application is a permitted use under the B-1 District regulations. It appears that the Zoning Officer's Zoning Permit denial for the proposal was based upon a determination that the addition of the stove/oven and walk-in cooler represents an intensification of use (odor, noise, parking, traffic) and therefore requires minor site plan approval from the Planning Board.

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 Michael Bengis – Architect

– Sheet A-1, Plot Plan and Floor Plan,
dated 12/23/09

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

Letter of Edward M. Dunne, Esq., dated 4/22/10,
including 12 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 4/27/10

6. Township officials and/or agencies submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Michael Pellek, Fire Official, dated 4/16/10

Abigail Montgomery, Health Dept., dated 4/15/10

7. In the course of the public hearings, the Applicant was represented by Edward M. Dunne, Esq., and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Anthony Barreiro, Applicant's owner

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

A design waiver was granted by the Planning Board in its 2007 approval for 21 parking spaces where 40 spaces were required. Pursuant to the current plot plan, a further waiver will be required as 19 parking spaces are actually provided when parking at the road intersection is eliminated.

9. 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 design waiver for insufficient parking spaces is warranted because the Board finds, based on the hearing testimony, that the existing parking has adequately served the site, and that the minor change proposed in this application will not significantly increase the demand for parking on the site.

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 minor 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 Section 9 above.

This approval is subject to the following conditions which shall, unless otherwise stated, be satisfied prior to installation of the stove and walk-in cooler:

1. Pursuant to the April 16, 2010 memo from the Township Fire Official, the stove/oven must comply with the N.J. Uniform Fire Code where the cooking operation includes grease-laden vapors.

2. On-site dining/food consumption is specifically prohibited and food sales are limited to take-out only. Customer seating is prohibited. Baking on the premises is prohibited.

3. Rooftop mechanical equipment associated with the stove ventilation system shall be architecturally screened from the adjoining residential property (Section 13-8.706).

4. As part of the 2007 approval, the following conditions of approval remain open and shall be completed by the owner of the property:

Condition 7 – The parking space closest to the Mount Arlington Boulevard/Rogers Drive intersection shall be eliminated and striped a “No Parking” since it is located within the sight triangle of both roads.

Condition 14 – The existing non-conforming exposed source wall lights shall be replaced with conforming “shoebox” fixtures (similar to what was installed along the Mount Arlington Boulevard elevation), subject to review and approval by the Board Engineer.

5. The Planning Board does not formally approve the parking spaces located partially within the Mount Arlington Boulevard and Rogers Drive right-of-ways.

6. Applicant shall install an exhaust hood above the oven of the type specified in Attachment 9 to the letter of Edward M. Dunne, Esq., dated April 22, 2010.

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

8. 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.

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 5/5/10.

A motion to approve the Resolution was made by Ms. Lutz; seconded by Mr. Shadiack.
ROLL CALL: Mr. Shadiack, yes; Mr. Zoschak, yes; Ms. Lutz, yes; Mr. Meyer, yes

MASTER PLAN CONSISTENCY REVIEW:

Resolution to Determine Master Plan Consistency for Ordinance No. 09-10

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION FINDING MASTER PLAN CONSISTENCY**

IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 09-10 TO AMEND CHAPTER XIII, LAND DEVELOPMENT, ARTICLE VII, ZONING REGULATIONS, SECTION 13-7.5 ZONING MAP, PARAGRAPH B, ZONING MAP AMENDMENTS, OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Planning Board has reviewed the proposed Ordinance No. 09-10 and has received input from the Township Planner and Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 6/2/10; and

WHEREAS, based upon its review and that of the Township Planner and the Board Attorney, the 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 Board does hereby find and determine that proposed Ordinance No. 09-10 to amend Chapter XIII, Land Development, Article VII, Zoning Regulations, Section 13-7.5 Zoning Map, Paragraph B, Zoning Map Amendments, of the Revised 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 6/2/10.

Mr. Stern said this ordinance involves two pieces of property along Berkshire Valley Road, one was zoned Open Space and had a home on it and another property was zoned Residential and it was actually an Open Space parcel owned by the State. This Ordinance just reverses the Zoning to correct this.

A motion to approve Master Plan Consistency was made by Mr. Rilee, seconded by Mr. Sweeney.

ROLL CALL: Mr. Shadiack, yes; Mr. Sweeney, yes; Mr. Rilee, yes; Mr. Zoschak, yes; Ms. Lutz, yes; Mr. Meyer, yes

Resolution to Determine Master Plan Consistency for Ordinance No. 10-10

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION FINDING MASTER PLAN CONSISTENCY**

IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 10-10 TO AMEND CHAPTER XIII, LAND DEVELOPMENT, ARTICLE VII, ZONING REGULATIONS, AND ELIMINATING SUBSIDIZED ACCESSORY APARTMENTS AS A SPECIFIC USE, OF THE REVISED ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Planning Board has reviewed the proposed Ordinance No. 10-10 and has received input from the Township Planner and Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 6/2/10; and

WHEREAS, based upon its review and that of the Township Planner and the Board Attorney, the 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 Board does hereby find and determine that proposed Ordinance No. 10-10 to amend Chapter XIII, Land Development, Article VII, Zoning Regulations, and Eliminating Subsidized Accessory Apartments as a Specific Use of the Revised 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 6/2/10.

A motion to approve Master Plan Consistency was made by Mr. Rilee, seconded by Mr. Sweeney.

ROLL CALL: Mr. Shadiack, yes; Mr. Sweeney, yes; Mr. Rilee, yes; Mr. Zoschak, yes; Ms. Lutz, yes; Mr. Meyer, yes

APPLICATIONS:

**PBA -09-002 CHUNG, WOON KI Block 3103, Lot 5 103 South Hillside Avenue
Extension of Minor Subdivision Approval memorialized on July 15, 2009**

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Approved: June 2, 2010
Memorialized: June 2, 2010**

**IN THE MATTER OF WOON KI CHUNG
EXTENSION OF TIME FOR FILING MINOR-SUBDIVISION DEEDS OR PLAT
BLOCK 3103, LOT 5
APPLICATION NO. PBA-09-002**

WHEREAS, Woon Ki Chung (hereinafter known as the “Applicant”) obtained minor subdivision approval from the Roxbury Township Planning Board (hereinafter known as the “Planning Board”) on 6/17/09; and

WHEREAS, pursuant to the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-47d, a minor subdivision approval expires 190 days from the date of memorialization, if a deed or plat has not been filed within that timeframe; and

WHEREAS, pursuant to the MLUL, N.J.S.A. 40:55D-47f, the Board may extend the 190-day period if the Applicant was prevented from filing because of delays in obtaining legally required approvals, despite having diligently pursued such approvals; and

WHEREAS, the Board has determined that the Applicant was prevented from filing because of delays in obtaining legally required approvals, despite having diligently pursued such approvals.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby grant the requested extension of time for filing of the Applicant’s minor subdivision deeds for an additional period of 180 days pursuant to N.J.S.A. 40:55D-47f, provided that the Applicant shall comply with the Mandatory Mt. Laurel Development fee in effect at the time of issuance of a building permit, pursuant to Ordinance §13-7.829 or any successor provision thereto.

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 June 2, 2010.

A motion to approve the Extension for 180 days and the Resolution was made by Mr. Rilee, seconded by Ms. Lutz.

ROLL CALL: Mr. Shadiack, yes; Mr. Sweeney, yes; Mr. Rilee, yes; Mr. Zoschak, yes; Ms. Lutz, yes; Mr. Meyer, yes

**PBA-09-023 P & D REALTY (MORRIS CANAL PLAZA) Block 6501, Lot 20
1070 Route 46**

Preliminary Site Plan Approval. This matter was continued from March 3, 2010. The applicant has requested to be carried to the August 4, 2010 meeting with no further notice

The matter will be carried to August 4, 2010 with no further notice.

**PBA-09-010 RIBE, ODD & GUDRUN Block 3104, Lot 1 in R-2 Zone 9 Larsen
Drive**

Extension of Minor Subdivision and Variance Approval memorialized in November 4, 2009

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Approved: June 2, 2010
Memorialized: June 2, 2010**

**IN THE MATTER OF ODD AND GUDRUN RIBE
EXTENSION OF TIME FOR FILING MINOR-SUBDIVISION DEEDS OR PLAT
BLOCK 3104, LOT 1
APPLICATION NO. PBA-09-010**

WHEREAS, Odd and Gudrun Ribe (hereinafter known as the “Applicant”) obtained minor subdivision approval from the Roxbury Township Planning Board (hereinafter known as the “Planning Board”) on 11/4/09; and

WHEREAS, pursuant to the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-47d, a minor subdivision approval expires 190 days from the date of memorialization, if a deed or plat has not been filed within that timeframe; and

WHEREAS, pursuant to the MLUL, N.J.S.A. 40:55D-47f, the Board may extend the 190-day period if the Applicant was prevented from filing because of delays in obtaining legally required approvals, despite having diligently pursued such approvals; and

WHEREAS, the Board has determined that the Applicant was prevented from filing because of delays in obtaining legally required approvals, despite having diligently pursued such approvals.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby grant the requested extension of time for filing of the Applicant’s minor subdivision deeds for an additional period of 90 days pursuant to N.J.S.A. 40:55D-47f, provided that the Applicant shall comply with the Mandatory Mt. Laurel Development fee in effect at the time of issuance of a building permit, pursuant to Ordinance §13-7.829 or any successor provision thereto.

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 June 2, 2010.

A motion to approve the Extension for 90 days and Resolution was made by Mr. Rilee and seconded by Mr. Sweeney.

ROLL CALL: Mr. Shadiack, yes; Mr. Sweeney, yes; Mr. Rilee, yes; Mr. Zoschak, yes; Ms. Lutz, yes; Mr. Meyer, yes

PBA-10-004 DUNKIN DONUTS (PABA Java, LLC) Block 12201, Lot 1.0103 180 Howard Blvd.
Minor Site Plan Application to put a second sign on the parking lot elevation. 180 Howard Blvd.

Bernd Hefele, Esq. represented the applicant. This business is on the corner of the Roxbury Commons Shopping Center Mall. They have a façade sign facing Howard Boulevard and would like another façade sign facing the mall like the other stores in the mall. Similar corner businesses like Ruby Tuesday have signs on both the entrance and the roadway, Route 10. The sign is relatively small in size, 15” x 12.5 feet and meets the requirements on the façade sign size. The Dunkin Donuts sign facing Howard Boulevard is the exact same size. The morning traffic sees that Howard Boulevard sign which is helpful to their business.

The Board and Mr. Stern felt this was a modest, reasonable and justifiable request.

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 was made by Mr. Rilee, seconded by Mrs. Lutz.

ROLL CALL: Mr. Shadiack, yes; Mr. Sweeney, yes; Mr. Rilee, yes; Mr. Zoschak, yes; Ms. Lutz, yes; Mr. Meyer, yes

PBA-09-013 A & E VENTURES OF ROXBURY Block 3601, Lot 3 & Block 5004, Lot 10

235-241 Route 10 East

Preliminary Site Plan Application for Burger King and Proposed Retail

Steven Tombalakian, Esq. represented the applicant. He had a five minute discussion in the hallway with Mr. Iglimena who represented objector, Constance Madden, and after the discussion he said that they had decided to meet and amicably work out the issues between both sides.

Tonight they wanted to present the traffic testimony per the report from the Board appointed Traffic Expert and the two architects involved in the project were present also to discuss the design. They agreed to make their engineer available again if necessary at subsequent meetings per Mr. Inglima's request.

Mr. Inglima represents the ground lessee of adjacent Lot 9, Constance Madden. He verified that they hope to have the issues resolved in short order and having Mr. Page available for future cross examination was acceptable.

Mr. Germinario had received correspondence on these issues and they are still unresolved

Harold Maltz, the Board appointed Traffic Engineer prepared a comprehensive letter dated June 2, 2010. Mr. Maltz was sworn in and qualified. Mr. Tombalakian and Mr. Inglima had no objections to Mr. Maltz's qualifications.

Mr. Maltz report was based on the site plans revised April 21, 2010, but there had been another revision. He did a site visit that included the Boston Market access drive and was familiar with the area. He had read the reports and met with Mr. Stern.

With regard to his report, the applicant will need to make a new permit application for access with NJ DOT because of modification of the Route 10 ingress.

To address this Mr. Page stated his qualifications as a traffic expert. He routinely submits applications to the DOT. He had not yet submitted a traffic report for this application and if he does submit one, he will send a copy to Mr. Inglima. Mr. Page had contacted the state and sent the site plan, traffic counts and generated traffic to the DOT. He is trying to get a No Further Action letter from them. He knows he has to file and will meet with them next week for a pre-application meeting. The project is in the works. They are trying to keep the existing curb cuts along the state highway but if they have to move the exit drive it should not affect the site plan.

Mr. Maltz said that if they move the ingress drive 40', that might affect the existing "edge clearance" and this will come up in their pre-application hearings. Mr. Maltz had worked

up the traffic volumes based on the IT trip generation rates. It appears this would be a major access permit application but the DOT will establish that.

Mr. Maltz noted some signage corrections and they had been addressed on the revision or Mr. Page agreed to address them and would identify sign colors associated with signs A, B & C. He also recommended no obstructions be placed within the area of the Route 10 ingress drive and its intersection to maximize visibility. The location of the freestanding sign in that location was acceptable.

There were no loading or delivery areas shown on the site plan and the delivery and trash details needed to be provided. At the last meeting they said deliveries for Burger King can be made after hours but the retail building might be different and this was closer to a residential area. Mr. Rilee was concerned about the noise to residents.

Mr. Page distributed turning templates for a car, fire truck and a tractor trailer. The tractor trailer would deliver when the Burger King is closed and the other deliveries would be smaller trucks and they assume the retail would be similar. They anticipate nothing larger than a Fed Ex truck after stocking the stores. The turning templates were marked Exhibit A-6, four drawings. If the easement through Boston Market is not obtained, the truck can still make turns within the site.

Mr. Stern did not recall the Board granting a design waiver for a delivery space and wanted to know if there was a space for a single-body truck in relationship to the retail building. Mr. Page thought they would park in front of the building. Originally, they did show a loading area in the back but had to move a dumpster into that area to get it away from the residential area. They might be able to relocate the dumpster again.

The existing Burger King gets bread and rolls delivered in a tractor trailer and use the driveway next to the residents and had not had complaints. By Ordinance they are not supposed to do deliveries after certain hours. Mr. Tombalakian said ideally, if they get the easement, they will take advantage of the traffic signal. The tractor trailers deliver once a week and smaller trucks come twice a week. The retail won't have as many deliveries as the restaurant.

Mr. Maltz would like to see turning templates that don't utilize the cross access easement since that is still up in the air and they agreed to do that. They will also revise for a straight body for the retail store. They will address the noise issue at a subsequent hearing.

They need to address the potential of patron crossover with fencing or landscaping and now show a 42" fence that will direct the pedestrians to go down to the crosswalk and can put a fence there also. The elevation does drop off 1 1/2 feet but it's walkable. Mr. Tombalakian was concerned about legal issues with locating the fence off the property line; it must be clear it is for pedestrian control. There are issues involving land that is leased. This matter will be left open as to whether it will be landscaped or fenced.

Mr. Maltz thought the 14' radius in the drive-thru lane was tight and Mr. Page felt if they modified the island between the parking and the drive-thru, that might leave more room. He will submit a turning template. Mr. Stern suggested that reducing the retail building would also accommodate a greater radius; shifting the parking by five feet. That matter will be left open.

A design waiver was necessary for the drive-thru queuing and it was suggested that employees use the parking spaces near the drive-thru to cut down on pedestrian traffic during peak hours. Someone from Burger King could address the queuing arrangement at peak hours and also the success of employees' parking in designated spots.

Mr. Maltz requested a turning template of the 12' lane adjacent to the drive-thru and they will provide that. Mr. Maltz recommended the four-leg intersection between the two buildings be changed to be more conventional and he had redesigned to address safety and circulation issues, however, four parking spaces were lost leaving them with 76 spaces. He also recommended some additional signage and shifting the parking area further east. Mr. Page suggested that they reduce the width of the entrance between the two buildings and make it one way. Mr. Mlttz could look at that but thought they would wind up with a jog.

With regard to the cross access easement, that would eliminate four parking spaces on the Boston Market side which might require a parking variance for Boston Market. After the discussions with their neighbor, this matter will be addressed. The cross access easement creates cut through traffic through the Boston Market site which is a negative.

Regarding the parking deficiency he had done a peak parking demand analysis based on a shared parking concept, mixed uses having mixed peaking demands and felt the provided number of spaces (even 76 spaces) would be adequate to accommodate peak parking demands. This conclusion would be affected if the retail is a high generator. Our ordinance that requires 86 spaces is not based on a shared use.

They will work out the traffic issues further on their end and come back to the Board. They would like to be carried to the July 7th to revise the plans.

A five minute break was taken.

Architect Charles P. Dietz was qualified. He supervised the architectural design of the retail buildings. The building was designed to relate in material, style and color to the Burger King design. He provided colored renderings of the retail building market Exhibits A-7, also on an easel marked A-8 & an architectural sheet marked Exhibit A-9. The architectural rendering was taken from Route 10 and showed the front elevation of the retail building. It will have a maximum of five individual tenants. Architectural features include a brick masonry base around the entire perimeter 2 1/2' tall. The brick color and style is similar to the Burger King proposal to tie the buildings together. Three masonry piers project 2/3 up the façade capped with red cornices. Two of the five tenants will have a raised entrance bump-out front which is similar to Burger King.

There will be a similar flat metal awning off the façade. The three remaining entrances will have fabric awnings for a 3' protection to patrons. They propose synthetic tan stucco like the Burger King. All the signs were shown at the same height for continuity. They propose internally illuminated channel letters and if different, they would have to come back to the Board. Frosted glass decorative wall sconces will have a gentle glow up down and out, with a small wattage illumination as an architectural feature. This building will have a taller parapet and the roof will be sloped to the back, 5-5 ½ feet lower, so the roof top unit should not be visible from the residential area. Architectural materials will continue around the building and the roof drain or scuppers will be in the back that will tie in to the storm drainage system. Vertical brick pilasters are also proposed. The back of the building will not have customer access as was indicated at the last meeting. They are not proposing sconces in the back of the building, just security lighting. They will provide renderings of the back of the building.

Mr. Rilee wanted consistency all around the building and Mr. Zoschak felt other establishments had rear entrances and the bulk of the parking is there. This could be a lease problem. Mrs. Lutz suggested a side door. Mr. Dietz said that the more doors you have the more difficult to keep loss prevention under control. Mr. Dietz felt there was adequate space for patrons to traverse the shopping center by foot and felt it was a manageable length to walk and the swing of the door would not be a problem. He did not feel perpendicular blade signs would be necessary because of the size of the building. The design won't change if a tenant took two spaces and they anticipate local tenants.

Mr. Stern agreed that rear elevations needed to be provided and understood why they don't want rear entries but this is a business decision on their part. It may dissuade people from going to the stores if they have to walk around the building. There was not very much glass on the design which was okay but he thought the parapet maybe needed to be lowered or further detailed. Mr. Meyer also felt it was too high with a lot of empty space. The parapets are 5' taller than main building and below the height ordinance but they could lower it. Mrs. Lutz felt it was not pedestrian friendly and it's cold; perhaps they could lower the lights. The scheme doesn't reflect the 4' planter area, trash and bench and they will have landscaping. Mr. Stern noted that the trash enclosure should match the building architecture with a wood or panel gate.

There was nothing further of Mr. Dietz and there was no time to hear testimony on Burger King design from the other architect. The application will be carried to July 7 with no further notice with an extension to the end of July. Mr. Inglima requested that he receive copies of any new submissions to the Board directly from the applicant.

The meeting was open to public. Mr. Iglimesio had no questions for the architect. The meeting was closed to the public.

OLD BUSINESS:

NEW BUSINESS:

Mr. Stern explained to the Board that the original 2001 approval of the Ledgewood Circle Shopping Center allowed discretion to Zoning Officer to approve an additional dumpster. They now want to remove two dumpsters and replace with them with a large compactor. It will be screened and there will be new gates. He felt the existing dumpster shouldn't be eliminated unless compactor is tested. They will handle the dumpster issue internally.

Mr. Stern wanted the Board aware of the recent increase in "Mother-Daughter" classifications. Four have come in recently and at this time there are no definitions on how the living space is integrated. A possible solution would be to require that Deeds be filed to ensure the homes continue to be single family if they are resold. They don't want to promote illegal two-family homes. Standards will need to be required and increased water and sewer service need to be addressed. A proposal will be put together for the Master Plan Committee.

The meeting was adjourned by motion at 10:50 p.m.

FOR THE PLANNING BOARD
TOWNSHIP OF ROXBURY

Eugenia Wiss, Board Secretary