

**APRIL 20, 2011 MINUTES**

A regular meeting of Planning Board of the Township of Roxbury was held on April 20, 2011, 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.

**ROLL CALL:**

**PRESENT:** Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mr. Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer.

**ABSENT:** Mr. Bautz and Mr. Verge,  
**STAFF:** Mr. Ferriero, Mr. Germinario, Mr. Stern and Mrs. Wiss

**MINUTES:** April 6, 2011

Motioned by Mr. Sweeney and seconded by Councilman Zoschak to approve.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mr. Carey and Mr. Meyer

Abstain: Mr. Rilee, Mr. DeFillippo

Noes: None

**MOTION APPROVED.**

**RESOLUTIONS:**

**PBA-11-04 DRESS BARN, Roxbury Mall, Block 5007, Lot 4 275 Route 10**

Variance relief for proposed signage

**ROXBURY TOWNSHIP PLANNING BOARD  
RESOLUTION OF MEMORIALIZATION**

**Decided: April 6, 2011  
Memorialized: April 20, 2011**

**IN THE MATTER OF DRESS BARN  
AMENDED PRELIMINARY AND FINAL SITE PLAN  
BLOCK 5004, LOT 7  
APPLICATION NO. PBA-11-04**

**WHEREAS**, Dress Barn (hereinafter the "Applicant") applied to the Roxbury Township Planning Board (hereinafter the "Board") for amended preliminary and final site plan approval on 1/20/11; and

**WHEREAS**, the application was deemed complete by the Board, and a public hearing was held on 4/6/11; 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 a portion of the Roxbury Mall, Block 5004, Lot 7, located in the B-3, Planned Shopping Center District. The Dress Barn is a retail women's clothing store within the Roxbury Mall.

2. The development of the subject property proposed by the Applicant comprises amended site plan approval to add two additional façade signs, reading "woman" and "misses" in 16" lettering on either side of the existing "DRESS BARN" sign.

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:

    Façade elevation and sign details, consisting of  
    2 sheets, prepared by Kieffer & Co., dated 12/2/10

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

    Letter from Steve Born of Kieffer & Co., dated 1/19/11  
    Façade Photo with superimposed sign dimensions (undated)  
    Zoning Officer's Denial letter, dated 12/13/10

5. In the course of the public hearings, the Applicant was represented by Robert Cosuba, Esq., and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

    Amy Waldron, Manager of Dress Barn

6. The development of the subject property as proposed by the Applicant requires relief from Ordinance §13-8.916E1, which imposes a limit of one façade sign per occupant in the B-3 District.

7. Based on the hearing record, the Board has made the following findings relative to the variance sought by the Applicant:

    The additional signage is necessary because Applicant has combined into one store the previously separate woman's and misses' stores. The Board finds that this promotes efficient use of land and thereby serves the purposes of the MLUL. The proposed additional signage is unobtrusive and compatible with the existing signage.

    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 amended preliminary and final 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 7 above.

    This approval is subject to the following conditions which shall, unless otherwise stated, be satisfied prior to the Board's signature of the amended preliminary and final site plan:

    1. The existing DRESS BARN lettering shall remain 32" high and shall not be altered.

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

3. 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 April 6, 2011.

Motioned by Mrs. Lutz and seconded by Mr. Sweeney to approve.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mr. Carey and Mr. Meyer

Abstain: Mr. Rilee, Mr. DeFillippo

Noes: None

MOTION APPROVED.

**COMPLETENESS:**

**PBA-10-014 BJ'S WHOLESALE CLUB Block 6601, Lot 25, 1 Howard Boulevard**  
Amended Preliminary and Final Site Plan Application for propane tank

Motioned by Mayor Rilee and seconded by Councilman Zoschak to deem complete.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED.

**APPLICATIONS:**

**PBA-10-014 BJ'S WHOLESALE CLUB Block 6601, Lot 25, 1 Howard Boulevard**  
Amended Preliminary and Final Site Plan Application for propane tank

No Board member who is also a member of BJ's Club has to step down on this application according to the Board Attorney.

Andrew Kohut, Esq. appeared on behalf of the applicant. His client wants an area for propane retail sales, a 564 sf cement slab with a 1000 gal propane tank on it as well as a cabinet area for individual propane tanks for replacement or purchase. The sales will be handled by an employee of the Tire Center and they will be trained in accordance with any standard federal statutes that apply to handling propane.

One variance, Section 13-7.3A, for an accessory structure in front/side yard area was requested. The property is 500' off Howard Boulevard, the tank will be approximately 1200 from Howard Boulevard and 70' from the side yard of the closest adjacent neighbor so there won't be much visual impact. A prior resolution in 1992 said all sales shall be conducted inside the building. All money will be exchanged inside the building. They

are only asking for the outdoor sales of this product and the condition in resolution restricting other outside sales will stand as is.

Mr. Thomas Cannarella was sworn and qualified as an engineering expert and will provide planning testimony. A color rendering of a site plan that was marked Exhibit A-1, revised 4/18/11, Sheet #2 had minor modifications to address the Planner's and Engineer's review letters. The tank is on the south side of the BJ building across from parking lot near the tire center. The tank will have a 6' chain link fence with landscaping around the perimeter and bollards for protection. Only electric utility will service this area. The concrete pad will add an additional 564 sf of impervious coverage. The parking count goes up two spaces, they are losing one space but have 130 extra parking spaces on site. The 564 sf was incorporated as floor area.

A customer would come in the Tire Service Center, the propane tank would be inspected and a BJ employee would take it inside the propane area and fill it if adequate or, if not, BJ would sell them a new tank. Exhibit A-2 was a picture of the proposed cabinet for the tanks. The empty tanks would be picked up by the propane filling truck. The truck is a single unit 30' truck that pulls up and will load the cabinet and has a hose that would fill up the tank. Typically BJ's fills the large tank once a week and didn't know the time of day but would coordinate with the Tire Center.

Other BJ's locations sell propane. The fence would be secured by a key and also the tank cabinet will need a key. The customers would have to park, go in and pay and then fill up the tank. Stacking and parking needs were discussed. They could dedicate some of the parking places closest to the propane customers only. BJ's will comply with any regulations regarding the transportation of tanks.

Regarding the Resolution for no outdoor sales, the Board needs to structure the condition for propane sales only; there is no negative visual impact because of screening and sales are done inside. By State Law these tanks cannot be stored indoors. The surrounding uses are a self storage warehouse with greenery in between, McDonalds and Walgreen's with a 6' board on board fence. Homes are on the other side of the building. The location is dictated by the existing location of the building and the Tire Center location.

In response to Mr. Stern's report of April 8, 2011, the existing lighting is adequate with multiple 20' high lights and they will have the same hours as the hours of operation of the store. There was no signage on the plan. They will do whatever is required by state law with regard to signage such as no smoking, etc.

Revisions have been made to address items 7-13 of Stern's report, and they will revise the landscaping plans subject to Mr. Stern's approval. There is underground electric. They will abide by Mr. Pellek's plans and a note will be added to the plan. A sign would be allowed inside the store. The propane sales will be only for club members. A directional sign and state required signs might be necessary. A small placard type sign or directional sign on the island closest to area might be necessary. If they need a sign plan and it can't be approved administratively they will come to Board.

Mr. Zoschak wanted a restriction for propane truck fill ups in the Resolution. Mr. Cannarella said all items in Ferriero's report of April 18, 2011 were addressed and Mr. Ferriero will confirm that.

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

Motioned by Mayor Rilee and seconded by Councilman Zoschak to approve with the stipulation that there will be no further outdoor sales other than what was approved tonight.

Ayes: Mr. Shadiack, Mr. Sweeney, Mrs. Lutz, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED.

**OLD BUSINESS:**

**Kuiken Brothers, KBC PROP. LLC. Block 1905, Lot 11**

Signage change

Mr. Stern discussed a minor sign change and distributed photos of the proposed sign. They were previously approved for a non illuminated wood etched freestanding sign just under 75 sf. (75 sf is permitted). The approved sign doesn't draw the attention that they need. They would like an internally illuminated, plexiglass sign now. The proposed sign will be 11' high and will be located in compliance with the ordinance, 20' from the right of way, 40' from the curb line. The new sign complies with ordinance and although it can be approved administratively it was brought before the Board because the Board has jurisdiction over the site plan for the approved sign. The color and design were discussed. The Board agreed to have the sign administratively approved. They will be in for final approval in May.

**NEW BUSINESS:**

**CORRESPONDENCE:**

Motion to adjourn

8:16 PM

FOR THE PLANNING BOARD  
TOWNSHIP OF ROXBURY

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Eugenia Wiss, Board Secretary