

MAY 4, 2011 MINUTES

A regular meeting of Planning Board of the Township of Roxbury was held on May 4, 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.

PRESENT: Mr. Sweeney, Mrs. Lutz, Mr. Verge, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo, Mr. Carey and Mr. Meyer. Mr. Bautz arrived at 7:33 p.m.
ABSENT: Mr. Shadiack
STAFF: Mr. Ferriero, Mr. Germinario, Mr. Stern and Mrs. Wiss

MINUTES: April 20, 2011

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

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

Abstain: Mr. Verge

Noes: None

MOTION APPROVED.

RESOLUTIONS:

Mr. Bautz arrived at 7:33 p.m.

PBA-10-014 BJ'S WHOLESALE CLUB Block 6601, Lot 25, 1 Howard Boulevard

Amended Preliminary and Final Site Plan Application for propane tank

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Decided: April 20, 2011
Memorialized: May 4, 2011**

**IN THE MATTER OF BJ's WHOLESALE CLUB
AMENDED PRELIMINARY SITE PLAN APPROVAL
BLOCK 2501, LOT 48
APPLICATION NO. PBA-10-014**

WHEREAS, BJ's Wholesale Club (hereinafter the "Applicant") applied to the Roxbury Township Planning Board (hereinafter the "Board") for amended preliminary site plan approval on 3/20/11; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 4/20/11; 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 20.78 acres located in the I-3 Limited Industrial District. It is developed with an 115,600 square feet BJ's Wholesale Club and Tire Center. The property received preliminary site plan approval in 1992. Condition #2 of the site plan Resolution stated that *"All retail operation on site shall be conducted within the building, and no outside sales shall be authorized."* The current zoning of the tract allows industrial uses and wholesale building material supply yards as principal permitted uses and wholesale/discount self-service store centers as a conditional use.

2. The Applicant now seeks amended site plan approval with variance to remove Condition #2 from the 1992 Resolution and install a 1,000 gallon propane tank to be located on a 564 square foot concrete pad enclosed by a 6 feet tall black PVC clad chain link fence. The compound will be located within a landscaped island across from the Tire Center. One parking space will be removed in order to provide clear access to the facility. According to the application:

"The propane tank will be used to refill customers' individual propane tanks, such as ones that can be found on your typical outdoor barbeque grill. The propane tank will be in accordance with any and all Municipal, State and Federal laws and solely operated by BJ's employees. More specifically, customers will request that their tanks be refilled in BJ's Tire Center. An employee from the Tire Center will be responsible for filling that customer's individual tank."

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 Core States Group

- Sheet 1, Cover Sheet, revised 2/4/11
- Sheet 2, Site Plan, revised 2/4/11
- Sheet 3, Detail Sheet, revised 2/4/11
- Sheet 4, Existing Conditions Plan, revised 2/4/11

4. 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 4/8/11

Paul Ferriero, PE, PP, CME, LEED, dated 4/18/11

5. 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 4/7/11

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

- A-1 Color rendering of Site Plan Sheet 2, revised 4/18/11
- A-2 Cut-Sheet for propane tank cabinet

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

Richard Cannarella, PE, engineering expert

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 variance is required from Section 13-7.816A, as the proposed facility is located to the front/side of the building across from the tire center, while only permitted to the rear.

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

Ordinance Section 13-7.816A states that the Board “may grant variance relief with respect to this provision where it determines there will be no adverse visual impact.” The Board finds that there will be no detrimental impact to the visual environment. The proposed compound is small in size with substantial setbacks from adjoining properties, and it will not be visible from residential properties. Applicant is providing landscaped screening utilizing existing mature plants.

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 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 the Board’s signature of the amended preliminary site plan:

1. Condition #2 of the 1992, requiring all retail sales to be conducted within the building, shall be modified only with respect to the propane sales activity approved herein, and the condition shall otherwise remain in effect.

2. Landscape screening for the proposed compound shall be provided to the satisfaction of the Township Planner.

3. The existing mature Viburnum shrub planting located in the vicinity of the proposed compound shall be depicted.

4. Considering a mature existing planting of deciduous Viburnum shrubs, Applicant shall shift the compound closer to the curb and seek to preserve the plants. Additional shrubs shall be provided as infill and to more completely screen the facility.

5. The height of all plants shall be specified on the drawings.

6. Dead/marginal/missing Sergeant Juniper located in the adjacent end island shall be planted/replaced.

7. As depicted on the Sheet 3 details, the proposed compound will be surrounded by 4 feet high yellow bollard located 4 feet on center. Bollards shall be painted red in order to complement the existing color scheme of the site.

8. The drawings shall note that underground electric service will be provided to the compound.

9. Any signage in connection with the compound shall be approved by the Township Planner, if permitted by the Ordinance.

10. The Tank Supports Detail on sheet 3 is missing and shall be provided.

11. Fence specification note 2 shall include the note regarding vinyl coating.

12. Fence note 7 identifies 2 three foot wide “magnates”; this shall refer to “man gates.”

13. A pavement repair detail shall be added to the plan, and shall note that the trenches across the existing parking lot shall be saw cut.

14. The propane tank storage and filling station after completion and acceptance will require an additional life hazard use registration as required by the New Jersey Uniform Fire Code. This will involve an additional fee and inspection to BJ’s Wholesale Club on an annual basis.

15. 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 Howard Blvd.
- 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 Howard Blvd.
- 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.

16. The propane tank and compound will be installed and operated in accordance with any and all Municipal, State and Federal law, and the facility will be operated solely by BJ’s employees. More

specifically, customers will request that their tanks be refilled in BJ's Tire Center. An employee from the Tire Center will be responsible for filling that customer's individual tank.

17. 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."

18. The Applicant shall pay a mandatory development fee in accordance with Ordinance Section 13-7.829, or any applicable successor provision of the Township Ordinance and/or State law in effect at the time a building permit is issued.

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

20. 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.

21. 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.

22. 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 4/20/11.

The applicant contacted Mr. Stern regarding testimony for propane sales for club members only but corrected that sales are for club and non club members. This did not affect the Resolution.

Motioned by Mr. Sweeney and seconded by Councilman Zoschak to approve with a minor correction.

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

Abstain: Mr. Verge, Mr. Bautz

Noes: None

MOTION APPROVED.

COMPLETENESS:

APPLICATIONS:

PBA-09-018 THE PLAZA AT ROXBURY (St. Theresa's R.C. Church) Block 5103, Lot 1 Main Street and Commerce Boulevard

Minor Subdivision and Preliminary Site Plan for Medical Office Building and Bank.

Mr. Paul Nusbaum represented the Plaza at Roxbury which is an application for a subdivision from the St. Theresa property. William Lovas, representing St. Theresa's Church, was also present. The property is 16.72 acres and is the home of the Church. They are subdividing off a parcel for a 50,000 sf, two story medical/dental arts building and a 2,610 sf bank with drive thru lanes. James Vigilante, principal of the applicant will give an overview and the architect, Christina Miseso will go over the architectural details. Their engineer, Mario Ianelli and their traffic engineer will be at the next meeting. Mr. Harold Maltz, Board Traffic Engineer, will also attend the next meeting.

Mr. James J. Vigilante was sworn in. A colored rendering of the plan was marked Exhibit A-1 and was prepared from the site plan that was submitted to the Board; it is more of a composite "concept plan" and was dated 12/4/07. The site is 6.2 acres and they are proposing a brick façade building and a stand alone bank approx. 3000 sf. The two story building will have a basement just for storage. The bank will have one drive thru and ATM, a drive thru banking lane and the third lane will be a bypass. Two ingresses and egresses will be on Commerce Boulevard.

Adjoining this site is Commerce Blvd., the Church and a developed residential neighborhood. They have met with eight of the neighbors and their biggest concern was drainage, they didn't want it intensified and that will be discussed at the next meeting. Visually, they are not going to clear cut everything, just for the parking lot and will put in a 3-5' berm and plant Norway spruce on top of the berm for a view barrier. Exhibit A-2 was a photograph of a Norway spruce screen. They will comply with the Township's spacing requirements. Regarding their initial request of a driveway between the church and this property, the neighbors were not in favor of this so they will withdraw that. A walkthrough pathway was proposed instead.

The parking lot lighting will be discussed at next meeting and the neighbors also had a concern regarding this. The dumpster for the bank has been eliminated because the paper is shredded and the cleaning people take the garbage. There is a dumpster for the medical building on site. The hours of operation for the bank will be in compliance with the ordinance and if not, they will be back before the Planning Board.

The path would enable people to park in the other lot and take the path to the Church. Mr. Bill Lovas, confirmed that the Church originally wanted to relieve the traffic on Holy days and Sundays with a passway or driveway but the Board wasn't favorable. The Church was agreeable to the walkway instead. The applicant does not care if people park on his property. They have not devised the documentation for parking rights yet.

The professional office will be medical/dental condos and they will also be part of the condo association. The residents had concerns about the parking for the Church on this property and it could be a concern of the condo purchasers and how this would affect them especially with snow removal; they might need dedicated stalls. The parking would be discussed at the next meeting.

Ron Kilgore, a neighbor, was concerned about condo rights and parking. Mr. Nusbaum said the condo owners would purchase subject to those parking rights. Mitchell Garber, has lived at 5 Ruth Court for 35 years so this is a culture shock and his property abuts the project. They had a good meeting with the developer. He wanted to present an email to the Board but that was not permissible according to the Board attorney so instead he could bring copies to the next public meeting. A fence as well as a berm and trees were proposed and the principals will work with them on that. They are concerned about the walkway; the parents of the school children will park there and pick up their children from school, not just on Sundays. They would prefer no walkway. Chris Lepore of 9 Ruth Court just wanted to make sure the berm, fence and the evergreen screening will be thick enough to block the lights. Mr. Vigilanti felt the proposed screen would take care of the lighting or headlight problem. With 200 spaces that will mean 200 cars and the traffic impact will be discussed at the next meeting. Tina Castagna at 17 Kentwood wanted to know where the fence will be. It will be between the site and the residential properties. Between the fence and the berm there will be no natural vegetation. Trees on the property line would be removed and there will not be much of the existing vegetation around the property left. They could relocate the dumpster in the area where the pathway was. Fence maintenance would be the condo association's responsibility

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

Architect Christina Miseo was sworn in and qualified. Exhibit A-3 was a color rendering of the front elevation of the Medical Arts building dated 5/4/11. Site plan pages that differed from the plans that were submitted because they were updated with code changes were marked as Exhibit A-4, the modified version of Sheet A-1 and Page A-5 will be marked Exhibit A-5.

The building would have a brick veneer, provincial style with limestone appointments, banding and a covered portico on all elevations. The roof appears to be fully pitched but was a mansard with a flat interior and roof structures and mechanicals would be hidden by the pitch. The building 210' x 122' and the average height is 34 ft. the overall maximum height, 40' 10". Other elevations are identical. Every suite would feel like it had a private entrance.

The interior would have two main hallways transversing the building with common bathrooms, elevators and stairwells. The four main office spaces could be divided up or not. The access to the roof would be through common stairs.

The style of bank building is very similar. The 2610 sf one story building with two car driveups has a brick veneer with same details, front portico and a pitch, true pitched roof. They haven't signed with a bank yet so they don't know the exact location of the ATM or if an additional window can be put in the front.

A dormer could be put on the bank building to complement the other building and that wasn't done because of the front portico. They could add side dormers. Illumination

would be something to discuss with the fire company. They need feedback from the fire inspector on the safety of dormers.

The architect explained the appearance of the façade and the thought behind the design. The rooftop mechanicals will be screened.

The meeting was open to the public. Mr. Ron Kilgor explained that everything else goes uphill from this property and was concerned about looking down on it. The architect felt an elevation rise of at least 50' would be necessary to look into it. That should be discussed at the next meeting. The only lighting on the roof would be task specific. There might be some codes that require lighting; there will be no lights on 24/7.

They will try to get as close as possible to being LEED certified but can't guarantee that. They will specifically address how they will handle the lab boxes and will try to create something attractive outside the vestibule or address this in the condo agreement.

They will be carried to May 18, 2011 with no further notice.

PBA-10-016 STS DEVELOPMENT CO. LLC Block 2701, Lot 2 and Block 2702, Lot 19.01

Major Subdivision Application

This matter was continued from the January 19, 2011 and April 6, 2011 meeting and was carried to the June 15th meeting with no further notice.

OLD BUSINESS: none

NEW BUSINESS: none

Motion to adjourn

8:45 PM

FOR THE PLANNING BOARD
TOWNSHIP OF ROXBURY

Eugenia Wiss, Board Secretary