

Board of Adjustment 05/09/2011

Regular meeting of the Board of Adjustment of the Township of Roxbury was held on May 9, 2011 at 7:00 p.m. with Chairman Edward Data presiding. After a salute to the flag, Mr. Data read the Open Public Meetings Act.

**PRESENT:** Mr. Crowley, Mr. D'Amato, Ms. Dargel, Ms. Darling, Mr. Data, Mr. Giardina, Ms. Kinback and Ms. Robortaccio.

**ABSENT:** Mr. Grossman.

Professional Staff Present:

Mr. John Hansen, P. E.

Mr. Russell Stern, P.P.

Mr. Larry Wiener, Esq.

MINUTES OF 04/11/11

Ms. Dargel made a motion to approve the minutes of April 11, 2011.

Mr. Damato seconded.

Roll call: Ms. Dargel, yes; Mr. Damato, yes; Mr. Giardina, yes; Ms. Robortaccio, yes;

Mr. Crowley, yes; Mr. Data, yes.

Abstain: Ms. Darling, Ms. Kinback.

RESOLUTIONS:

APPLICATIONS:

ZBA-11-005 Miklinski, Bulk Variance for property located at 29 Harriet Way, Landing, Block 9702, Lot 19 in a R-3 zone

Mrs. Eva & Mr. Mark Miklinski are applying for a variance, they come before the Board to request permission to construct an addition for a one story, 20' X 20' family room to the west side of their home. A variance is needed due to the front yard setback. Because of the lay of the land the front yard property is flat the back drops off and is all wooded area. The addition will be located on the side of the house because really there is no other place it could be added. The biggest change of elevation from the ground to the structure is 32 inches in height. The exterior design and paint will match the existing structure it will be a peaked roof shingled to match the existing roof. The added room will be built on footers there will be a very short space above the ground to floor of the family room to be enhanced with landscaping, lattice or stone. Mr. Stern stated that if the board was to approve this application a condition on the resolution be that lattice, decorative stone or landscaping be placed around the opening between the ground and building structure. Open to the Public. No one stepped forward. Closed to the public. Mr. Miklinski asked if the application was to be approved I would like to start work on this project as soon as possible would the Board consider resolution approval this evening also.

Ms. Robortaccio made a motion to approve the application with the condition that lattice, decorative stone or landscaping would be used to screen the lower portion of the addition.

Mr. Damato seconded.

Roll call: Ms. Robortaccio, yes; Mr. Damato, yes; Ms. Darling, yes; Ms. Dargel, yes; Mr. Giardina, yes; Ms. Kinback, yes; Mr. Crowley, yes; Mr. Data, yes.

Mr. Data asked Mr. Wiener if a resolution for this application could be presented to the Board this evening. Mr. Wiener was able to read the resolution for the Board.

Mr. Damato made a motion to approve the resolution and Ms. Dargel seconded.

Roll call: Mr. Damato, yes; Ms. Dargel, yes; Ms. Darling, yes; Mr. Giardina, yes; Ms. Robertaccio, yes; Ms. Kinback, yes; Mr. Crowley, yes; Mr. Data, yes.

**ZBA-09-00036 GEDICKE'S / LAKE'S END MARINA**, Preliminary Major Site Plan for property located at 91 Mt. Arlington Boulevard, Landing, Block 10101, Lot 48 in a B-1 zone.

Mr. Thomas Brady attorney for the applicant stated that the plans for construction of a 2,600 square foot commercial building have been modified in an effort to be more in line with the concerns of the Board. Mr. Fox architect for the applicant was previously sworn in and had met with the professional staff to review and improve the plans. Exhibit A-4 dated May 9, 2011 shows the entrance being made wider (32 feet) for boat trailers to safely enter and exit the parking and storage area. There was a discussion on the impervious coverage, landscaping and curbing. The new building will accommodate an office, retail boat sales; showroom and boat repairs. Eight paved parking spaces and four boat displays will be located between the building and Mt. Arlington Boulevard. The rear gravel area will provide seven designated employee parking spaces as well as provide a place for residents to store their boats instead of on their own residential property along with seasonal parking. There will be fencing around this area which will greatly enhance the aesthetics of the property. In regards to drainage the rear portion of the property used for storage will consist of a gravel area which will allow for groundwater recharge. The remaining areas will be stabilized with grass and landscaping. The wooded steep area along the western property line will remain undisturbed with the exception of minor grading that will be required to construct the proposed stormwater management system discharge. Most of the storm water runoff from the site will be collected by an on site collection system and conveyed to an underground detention system located in the rear yard of the proposed building. The catch basin hoods will be replaced with a quality device that will provide some filtration. The stormwater manual will be updated to include the water quality devices. There was a discussion on the boulder row along the top of the bank to define the edge of the westerly gravel parking area so as to not encroach on other property. Because of the 1,000 cubic yards of soil that will be removed from the site there will be a soil movement plan. There was a discussion on how the area depicts the site triangle of the proposed driveway in accordance with section 504 C. of the Land Development Standards of Morris County.

Open to the Public. No one stepped forward. Closed to the Public.

Mr. Drew Disessa, P.E. of CD Engineers, LLC, 3 Ridgley Street, Hackettstown, NJ was sworn in and accepted by the Board, reviewed with the Board the drainage system on page 3 of 3, sheet # S2, revision date of April 19, 2011, the site area is 1.274 acres most of the stormwater now drains off to the southwest onto the railroad right of way, Canal Street parking lot and a small section of the front drains onto Mt. Arlington Blvd. We are proposing a drainage plan to collect a majority on site with a collection system of two inlets and an underground detention basin system that will consist of six, thirty six inch perforated pipes below the ground. There was a discussion on the redesign of the underground detention basin, the whole back area being gravel and the filtration system being within regulation. The curve number calculations being included in the stormwater management report to confirm that the individual plan sheets and stormwater report are consistent with land disturbance and impervious coverage. This is considered a Major Development because the disturbance will be more than an acre. We will be providing the catch

basin hoods with water quality filtration system. In review of Mr. Hansen's report dated May 5, 2011 page 2, the Key Issues:

1. The stormwater management system has been redesigned and the change is consistent with our recommendations.
2. The curve number calculations will be included in the stormwater management report.
3. The Soil Movement application has been revised to indicate that 1,000 cubic yards of soil will be removed from the site. About 80 truck loads.
4. Condition 5 of the Use Variance Resolution states the areas used for outdoor storage and any site plan application shall be considered impervious surface and shall not exceed the maximum surface coverage requirements of the B-1 zone. The proposed coverage of 72.6% will exceed the B-1 requirement of 60%.
5. The freestanding sign has been removed from the plans and application.

There was a discussion on impervious coverage, is gravel 100% impervious, what makes gravel impervious if its sitting on dirt? Mr. Hansen answered that it is impervious. Its impervious because of the parking lot material that is being run over. Its not impervious with regard to the stormwater rates. No repairs involving water will occur on site.

Three design waivers are required:

1. Driveway setback to the side yard on the south side and rear property line will be 10'.
2. Parking space striping waiver because its gravel in the back.
3. Off-street parking not paved and curbed (rear parking & storage area only).

Mr. Hansen recommends that the proposed fence shown along the Canal Street property line be located to replace the boulder row. This will provide better screening of the facility from Canal Street, provide a permanent barrier to prevent the gravel from migrating into the wooded area and minimize tree removal. Exhibit A-5, 6, 7 three photos taken by Mr. Fox, exhibit A-5, shows the back paved area on Canal Street looking down. Exhibit A-6 shows the trees and Exhibit A-7 shows all the garbage which has collected in this area. There was a discussion on the exact location, type and size of the fence. The Board was polled and agreed with Mr. Hansen the fence would be better on top of the hill for screening. A sidewalk easement is needed. A note will be added to the plan stating that all utilities are to be constructed underground. The roof leader connections to the stormwater system are to be detailed on the plan. The plan has been submitted to the Morris County Soil Conservation District.

The Board reviewed Sr. Assistant Township Engineer, Ms. Michettis report dated May 5, 2011 a formal application for a water allocation for the project is required and a detailed calculation of the projected water capacity needs based on the NJDEP Water Volume Requirements. Mr. Gedicke agreed to all recommendations made by Ms. Michetti.

In review of the Fire Official, Mr. Michael Pellek report Mr. Gedicke agreed No Parking fire zones be established in areas highlighted on page S1 sheet 2 of 9 site plan layout and details. The curbing be painted yellow and the pavement be painted and marked reading FIRE ZONE, NO PARKING. Agreed.

Mr. Sterns report updated April 29, 2011 states that the Zoning Board recognized that Lake Hopatcong is a unique recreational resource and the encouragement of appropriate recreational uses is consistent with the intent and purpose of the Municipal Land Use Law and Zoning Ordinance. Development of the site will result in a much enhanced aesthetic upgrade.

Mr. Gedicke stated besides himself he plans to have an additional three to four other employees his hours of operation will be 7:00 a.m. – 7:00 p.m. In reference to item 1.7 Mr. Stern stated that the area of proposed slope disturbance represents an isolated minor steep slope area under 2,000 square feet and can be exempted from the ordinance provisions. Item 1.8 the dumpster and shed have been removed. Item 1.10 To reduce impervious coverage the applicant removed existing pavement and gravel from the 10' wide access easement along the southerly – southeasterly property line, along the rear of the storage yard and along the Weichert property. Item 1.11 A 10' wide setback/green area is provided along the two side yards and rear yard. There was a discussion on the pavement associated with the Valiante Construction access that crosses the property line. Employee parking markings will be placed on the fence in the rear property along with lines for unloading and loading. Applicant agrees to all comments made by Township Planner. There will be no rooftop mechanical equipment on the building. The originally proposed monument sign has been eliminated a wall sign of six feet is proposed the sign is proportioned to the building and the individual letters become more of an architectural feature. A revised landscape plan will be submitted and subject to review and approval by the Township Planner. Open to the Public. No one stepped forward. Closed to the Public.

Mr. Crowley made a motion to approve this application with all the stipulations agree upon within the reports. Ms. Robertaccio seconded.

Roll call: Mr. Crowley, yes; Ms. Robertaccio, yes; Ms. Dargel, yes; Mr. Damato, yes; Mr. Giardina, yes; Ms. Kinback, yes; Mr. Data, yes.

**ZBA-10-010 LaRoy**, Use Variance & Site Plan Approval for property located at Ledgewood Landing Shipping Port Road, Landing, Block 10101, Lot 18, 19 & 20, in a B-1A zone.

Mr. Paul Nusbaum attorney for the applicant gave a brief review of the testimony given by Harold Maltz, Township Traffic Consultant and Joseph Staigar, P.E., P.P. at the March 14<sup>th</sup> 2011 Board meeting in the testimony there was general agreement relating to traffic circulation, parking and other issues. Kellen M. Chapin, AIA, Chapin Architectural Services, 17 Main Street Netcong, NJ 07857 was sworn in and qualified. A Concept Elevation drawing, A-4 was marked in as Exhibit A-1, dated 5-9-11. Two physical samples of the façade of the building were marked in as Exhibit A-2 the lighter color Sand-pebble and Exhibit A-3 Sandblast being a bit darker. Our office met with the Boards Professional staff to review the architectural exhibits and address the majority of the Townships concerns in preparation for the architectural testimony. This building is designed to be efficient in its use of energy and incorporates several approaches that are in keeping with the intent of green design principles. White roofing is proposed to reduce heat island effect. The maximum façade height above grade at the center section was only changed from 38'-0" to 38'-6" with a more pronounced cornice detail. The parapet screen wall will be 4'-6" high to assure the screening of roof top equipment. The site angles from surrounding locations allow the shorter compromise dimension to still be fully effective. There was a discussion on the rooftop mechanical equipment being screened. The center wall portion and side wall are raised six inches to be the maximum equipment height the units are located away from the parapet wall to permit service access around each piece of equipment for maintenance. Lighting at both primary building entrances is designed as underside down lighting they don't show as a feature

but do produce a significant pool of light at the doors. By code these doors have to have an emergency lights on the outside. The letters for the storage sign on the building are post mounted individual back lighted in a bronze color. There will also be a face view pylon sign at the entry drive. There was a discussion on the size, color and view of the sign on the building. The interior layout has 250 storage units. The units are various sizes the facility offers a variety of capacities and is flexible enough to permit minor adjustments as to what the market needs. The egress patterns will remain constant. Access to all units and the public bathroom is through the central corridor on all three levels via elevator to the upper floors. Select units can be accessed directly through overhead doors at the rear, on the second floor only.

The building will be open to the public twenty four hours a day, seven days a week. The building will have an office and sales area in the main entrance and also a residence which will include one bedroom, a living room, dining room, kitchen and bathroom (small apartment).

Open to the public. No one stepped forward. Closed to the public.

Marc Walker, P.E., Dykstra Walker Design Group was previously sworn in and reviewed Mr. Sterns updated March 8, 2011 report, page 5, item #1.12 A permit needs to be filed with NJDEP because our project is development of property just off Shippenport Road that will encroach with in the wetlands buffer as shown on Exhibit A-3 dated March 14, 2011. The building and the stormwater basin encroach into the buffer. There was a discussion on the amount of disturbance within the buffer area and the increase of buffer on the westerly side of the proposed building. Exhibit A-3 also shows a barn and shed in the buffer zone on the applicants property that are being used by the neighbors and will be removed. There was discussion in reference to a driveway that is used to access Block 10101, Lot 17 property next to the applicants that is land locked this property has no public frontage. The applicant will provide more information on the black aluminum fence to be installed. The applicant proposes to seek the approval for a soil movement permit with the condition that the soil will be removed from the site on Ledgewood Landing Road to Route 80, if the soil was to be removed to a location within the Municipality the applicant will come back to the Board to provide additional testimony or the person or business that is accepting the soil will need a soil moving permit to have the soil brought on to their property. We'll have 3,737 cubic yards of material to be excavated from the site. The stormwater runoff from the proposed roof and rear parking area will drain to the back of the property into a surface infiltration basin. Runoff from the remainder of the project will be piped into subsurface detention basins. All stormwater management facilities proposed for this property have been designed in general accordance with the NJDEP. Stormwater runoff quantity shall be controlled so that the post construction peak runoff rates for the two, ten and one hundred year storm events are fifty, seventy-five and eighty percent, respectively, of the pre construction peak runoff rates. The field measured hydraulic conductivity will require a reduction in the design infiltration rate for this basin and as a result the footprint and configuration of the basin will have to be modified slightly to conform to the regulations. This could be a condition of approval. The applicant will need to consult with the Township Tax Assessor in amending the plans to include Lot 19.01. The applicant believes that 18 parking spaces in the front of the building are not necessary most of the loading activity will happen in the back of the building. Do ten parking spaces in the front is sufficient and land bank the other eight parking spaces. The applicant will do more landscaping. A design waiver for two parking spaces will be granted. There was discussion as to the need for a sidewalk along Frontage Road. No need for concrete driveway aprons all to be paved. All recycling and trash will be located in the building at a central location on each floor and will be removed by the cleaning crew to a banked trash/recycling enclosure located behind the building. Bollards will be located to the rear

of the trash/recycling enclosure to protect the structure from the off-loading of containers. The contents will be emptied when called in. A color rendering of the building will be provided. The garage door color will match the wall color. The applicant is proposing a monument sign that incorporates decorative stone which is also proposed as a base course to the building details will be provided. Freestanding, wall mounted and security lights will be more detailed.

The landscaping review will be done at a latter time; Mr. Hansen requested that Mr. Walker supply the Board with revised calculations for the stormwater basin and infiltration spread sheet. Open to the Public. No one stepped forward. Closed to the Public.

Mr. Walker stated that landscaping plans are being updated. Mr. Nusbaum made a formal request for an extension of time to July 31, 2011. This matter will be carried to June 13<sup>th</sup> 2011 with no further notice.

**ZBA-11-006 Babinska**, Bulk Variance for property located at 63 King Road, Landing, Block 11912, Lot 5 in a R-3 zone. Carried to June 13, 2011 with no further notice.

**Old Business:**

Letter dated April 21, 2011 from Valley Auto Wreckers attorney, Mr. Edward Dunne. Mr. Stern stated that Valley Auto Wreckers will be submitting for a use variance and site plan.

**New Business:**

Annual Zoning Report for 2010

Ms. Dargel made a motion to approve the Annual Zoning Report for 2010. Ms. Kinback seconded.

Roll call: Ms. Dargel, yes; Ms. Kinback, yes; Mr. Damato, yes; Mr. Giardina, yes; Ms. Robortaccio, yes; Mr. Crowley, yes; Mr. Data, yes.

Motion to adjourn the meeting was made at 10:37 p.m.

ZONING BOARD OF ADJUSTMENT  
TOWNSHIP OF ROXBURY  
Dolores Tardive,  
Board Secretary  
May 9, 2011