

JUNE 1, 2011 MINUTES

A regular meeting of the Township of Roxbury Planning Board was held on June 1, 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, Mrs. Lutz, Mr. Verge, Councilman Zoschak, Mayor Rilee, Mr. DeFillippo and Mr. Meyer.
ABSENT: Mr. Sweeney, Mr. Bautz and Mr. Carey.
STAFF: Mr. Germinario, Mr. Stern and Mrs. Wiss

MINUTES: May 18, 2011

Motioned by Councilman Zoschak and seconded by Mayor Rilee to approve.

Ayes: Mr. Shadiack, Mrs. Lutz, Mr. Verge, Councilman Zoschak, Mayor Rilee,

Abstain: Mr. DeFillippo and Mr. Meyer

Noes: None

MOTION APPROVED

RESOLUTIONS:

PBA-10-017 DOUMA, LOIS, BLOCK 11002, LOTS 41 & 42 308 Kingsland Road

Minor Subdivision, Variance and Steep Slope Application for removal of an existing home and construction of a home with a garage.

**ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION**

**Decided: May 18, 2011
Memorialized: June 1, 2011**

**IN THE MATTER OF LOIS DOUMA
STEEP SLOPE SITE PLAN AND MINOR SUBDIVISION APPROVAL
BLOCK 11002, LOTS 41 & 42
APPLICATION NO. PBA-10-017**

WHEREAS, Lois Douma (hereinafter the "Applicant") applied to the Roxbury Township Planning Board (hereinafter the "Board") for steep slope site plan and minor subdivision approval on 3/10/11; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 5/18/11; 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 two properties encompassing a total of 42,050.9 square feet in the R-3 District. Each lot is developed with a one-story single family dwelling. Lot 41 encompasses 13,978.6 square feet (15,000 square feet required) and Lot 42 28,072.3 square feet. Neither lot has a garage, which is a requirement of the Land Development Ordinance. The majority of each lot is encumbered by critical steep slopes. Neither dwelling conforms to a 50 feet lake setback and a 35 feet rear yard setback. Lot 41 has a nonconforming lot area under 15,000 square feet (13,978.6 square feet existing), an undersized lot width of 86.5 feet

(100' required), and a nonconforming 1.65 feet side yard setback (10 feet required). Both dwellings are serviced by public sewer and private well.

2. The development of the subject property proposed by the Applicant comprises steep slope site plan and minor subdivision approvals to demolish the existing residence on Lot 41 for a new two-story dwelling and enlarge the lot from 13,978.6 square feet to 22,111.6 square feet. Lot width will become conforming. The home will contain 2,909 square feet of living area and a 613 square feet attached garage. Existing lot 42 will be reduced in size from 28,072.3 square feet to 19,798.3 square feet. An attached two-car garage will be provided as currently required by code. The nonconforming 1.65 feet side yard setback will be eliminated and a conforming 13.21 feet setback provided. The nonconforming 12 feet lake setback to the existing deck will be replaced with a 27.35 feet setback to a covered porch and 33.25 feet to the dwelling (50 feet required). Impervious coverage is 22.94% (25% permitted) and building coverage 12.4% (15% permitted) on Lot 41, and 19.50% and 4.4% respectively on Lot 42. The application also proposes the reconstruction of an existing seawall and pier along its existing alignment.

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 SESI Consulting Engineers:

- Sheet 1 of 1, Cover Sheet, dated 11/09/10, revised 3/4/11
- Sheet DE-1, Demolition Plan, dated 11/9/10, revised 3/4/11
- Sheet S-1, Proposed Site Plan, dated 11/09/10, revised 3/4/11
- Sheet G-1, Grading and Utilities Plan, dated 11/09/10, revised 3/4/11
- Sheet SE-1, Soil Erosion & Sediment Control Plan, dated 11/09/10, revised 3/4/11
- Sheet LA-1, Landscape Plan, dated 12/10/10, revised 3/4/11
- Sheet W-1, Bulkhead Wall Plan, Profiles, Details & Notes, dated 11/09/10, revised 3/4/11
- Sheet W-2, Bulkhead Wall Details & Notes, dated 11/09/10, revised 3/4/11
- Sheet D-1, Details & Notes, dated 11/09/10, revised 3/3/11
- Sheet RP-1, Riparian Zone Disturbance Plan, dated 11/09/10

Prepared by Teunisen Surveying & Planning Co., Inc.

- Sheet 1, Proposed Subdivision, dated 8/2/10, revised 3/7/11
- Sheet 2, Critical Area Analysis, dated 10/26/10

Prepared by Petersen Associates

- Sheet A-1, Floor Plans, dated 8/27/10
- Sheet A-2, Elevations, dated 8/27/10

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

Development Application and Checklists with attached copies of deeds

Lake Hopatcong Commission Site Plan Review Report, dated 5/9/11

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 5/13/11

Paul Ferriero, PE, PP, CME, LEED, dated 5/13/11

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

Melanie Michetti, PE, CME, Sr. Assistant Township Engineer, dated 5/12/11

Michael Pellek, Fire Official, dated 5/12/11

Roxbury Township Environmental Commission, dated 5/15/11

Abigail Montgomery, Health Department, dated 5/6/11

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

- A-1 Subdivision Map
- A-2 Color rendering of Site Plan S-1

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

- Lois Douma, Applicant
- Anthony Castillo, PE, Engineer

9. 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 necessary from Section 13-7.1301D5(a), as a minimum 35 feet rear yard setback is required while a 27.35 feet setback is proposed for the covered porch and 33.25 feet to the home. The existing dwelling has a 12 feet rear yard setback to a wood deck and 15.21 feet setback to the home.
- A variance is necessary from Section 13-7.819 which prohibits any disturbance included grading and the construction or expansion of any building or structure within 50 feet of the edge of a lake. Grading is proposed within this buffer area on Lot 41 and the dwelling will be setback 27.35 feet to a covered porch and 33.25 feet to the home. The existing dwelling has a 15.21 feet setback from the edge of lake and 12 feet from the wood deck.
- A variance is necessary from Section 13-7.818 as grading for the proposed dwelling, parking area and walkways will exceed allowable area of steep slope disturbance.

<u>Steep Slope Category</u>	<u>Existing Area of Steep Slopes</u>	<u>Maximum area of allowable disturbance</u>	<u>Proposed area of disturbance</u>	<u>Maximu Percentage of allowable disturbance</u>	<u>Proposed percentage of disturbance</u>
15%to 19.99	2,305 s.f.	807 s.f.	1,384 s.f.	35%	60%
20%to 24.99%	278 s.f.	42 s.f.	278 s.f.	15%	100%
25%+	14,304 s.f.	127,429 s.f.	7,126 s.f.	3%*	49.8%

*Variance required for steep slope disturbance

A design waiver is necessary from Section 13-8.602A for insufficient pavement width. A 30-foot width is required while Kingsland Road has a 12 to 15 feet width along the subject property.

- Design waivers are necessary from Sections 13-8.608 and 13-8.610A as curbs and sidewalks, respectively, are not provided. Sidewalks and curbs are not present within the general area.
- A design waiver is necessary from Section 13-8.804, as street trees are not provided (2 ½ - 3" caliper at a 13-15' height located 40 feet on center within the right-of-way), or will be removed as a result of grading. In lieu of compliance, infill trees will be provided between the road and retaining wall.

10. 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 Board finds that the requested variance and design waiver relief is justified on the basis of hardship pursuant to NJSA 40:55D-70(c)1, due to the physical features, topography and pre-existing conditions of the subject property. The Board further finds that the granting of the requested relief will result in benefits substantially outweighing any detriment, including greater conformity as to lot area and setbacks, a garage for 2 vehicles, and improved stormwater management.

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 steep slope site plan and minor subdivision 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 10 above.

This approval is subject to the following conditions which shall, unless otherwise stated, be satisfied prior to the filing of the minor subdivision deeds:

1. The two existing docks on Lot 41 will be repaired in accordance with the permit issued by the NJDEP.

2. The existing shed will be removed or relocated to a location conforming to yard and setback requirements. If relocated, the new location shall be depicted on revised plans.

3. The disturbance of steep slopes will result in the loss of vegetation which will expose the new home to the adjoining road. Landscaping, including a buffer planting along the road, shall be provided to the satisfaction of the Township Planner to help mitigate the impact caused by this disturbance.

4. On revised plans, the proposed driveway shall be setback and dimensioned a minimum of 5 feet from adjoining Lot 40 to avoid a design waiver.

5. Pursuant to Section 13-8.809L, retaining wall design calculations and details shall be provided for review and approval by the Township engineer for walls over 4 feet in height.

6. Pursuant to Section 13-8.809J, retaining walls shall maintain a property line setback equal to their height above grade. Revised plans shall provide wall heights and setbacks.

7. Pursuant to Section 13-8.809M, boulder type retaining walls over four feet in height are prohibited. The Boulder Wall Section detail on sheet D-1 shall be revised to show a conforming stone and cement wall, and stability calculations shall be provided to the satisfaction of the Board Engineer.

8. The Applicant shall obtain a minor Soil Moving Permit.

9. Rain garden planting details shall be provided along with cross sections and an operations and maintenance manual.

10. The Township Planner shall be contacted regarding landscaping comments.

11. The Applicant shall comply with the Township's Tree Conservation Ordinance (Section 13-11), with respect to removal of specimen trees.

12. Trees to be removed shall be shown in relation to sheet G-1 (existing grades, proposed grades, and proposed improvements).

13. Infill trees shall be provided between the road and the retaining wall to the satisfaction of the Township Planner.

14. Fence debris and vegetative waste by the northerly shed shall be removed.

15. Pursuant to the Health Department's May 4, 2011 review, the well must be at least 20 feet from the wood frame portions of the dwelling and the Health Department must receive a copy of the Well Abandonment Report.

16. Pursuant to the May 12, 2011 memo from Michael A. Pellek, Fire Official, overhead tree branches and limbs shall be adequately trimmed over the driveway access so that emergency vehicles can proceed accordingly.

17. A detailed grading/drainage plan shall be submitted to the Township Engineer for review and approval prior to obtaining building permits (Section 13-8.204C).

18. An as-built grading, drainage and utility plan shall be submitted prior to the issuance of a certificate of occupancy.

19. Revised plans shall note that all utilities shall be installed underground.
20. Minor subdivision deeds and deed descriptions for both lots shall be submitted for review and approval by the Board Engineer and Board Attorney prior to filing.
21. Applicable outside agency approvals shall be provided and reviewed by the Board's Engineer.
22. The Applicant shall comply with Section 13-2.402A, Lot Line Revision Fee, prior to the filing of minor subdivision deeds.
23. The storm drainage collection system in front of the garage shall incorporate a structure along the curb near the bottom of the steep slope on the driveway. A substantial drainage area will flow to the inlet and it will help the trench drain at the garage from being surcharged. This will help reduce the likelihood of surface runoff impacting the garage.
24. Additional grading detail shall be provided to ensure the grading near the building meets the construction code requirement for a minimum slope of 6" away from the building for the first 10 feet.
25. Given the extensive steep slope disturbance, at least one additional row of silt fence shall be installed above the dwelling.
26. On the Site Plan, the preparer's signature shall be added under the approval block.
27. On Sheet DE-1, Demolition Plan, a note shall be added to the plan that all foundations are to be completely removed and backfilled with structural fill material under the supervision of a qualified engineer.
28. On Sheet G-1, Grading Plan, the following shall be provided:
 - a. Indicate how the sewer lateral from the building flows to the grinder chamber.
 - b. Top and bottom of wall elevations need to be provided for all walls. Any wall in excess of 48" in height will require structural calculations and construction permits.
 - c. Since portions of the storm drain are very steep, it shall be installed with glued joints.
 - d. A note shall be added to the plan that states handrails are to be installed along the stairs as required.
29. A copy of the Soil Erosion and Sediment Control Plan certified by the Morris County Soil Conservation District shall be provided.
30. On Sheets W-1 and W-1 – Bulkhead Wall Plan, Profiles, Details and Notes – note that structural stability calculations will be submitted with the construction permit application.
31. Sheet DE-1 "Demolition Plan", Sheet S-1 "Proposed Site Plan", G-1 "Grading & Utilities Plan", Sheet SE-1 Soil Erosion and Sediment Control Plan", LA-1 "Landscape Plan":
 - a. The location of the grinder chamber shown on the plans is incorrect. The actual location of the grinder chamber, clean out, vent tube, curb valve and force main shall be field verified and shown on the plans to determine if the proposed site work or improvements encroach on any of the low pressure sanitary sewer system.
 - b. The sanitary sewer lateral cleanout between the house and the grinder pump chamber shall be shown on the plans.
32. Sheet G-1 "Grading and Utility Plan", Sheet SE-1 "Soil Erosion and Sediment Control Plan":
 - a. There shall be no landscaping, structures or retaining walls permitted surrounding the grinder chamber or over the force main lateral.
 - b. The top of the grinder chamber shall be one (1') foot above the proposed finished grade. A cleared level area approximately two (2') feet on all sides of the grinder pump chamber shall be provided for Township personnel to pull the pump in the event of a pump failure.

- c. The clean out and the vent tube on the pump shall extend above the proposed finished grade.
 - d. The following notes shall be provided on the plans.
 - i. Any alteration to the low pressure sanitary sewer system on the property shall be reviewed and approved by the Township. Alterations to the system not approved by the Township may result in the transfer of operation and maintenance responsibilities of the system to the property owner.
 - ii. Any alterations to the low pressure sanitary sewer system shall be inspected by the Township Sewer Department.
 - iii. An electrical permit from the Construction Department shall be obtained for all electrical work associated with the alterations to the low pressure sanitary sewer system.
 - iv. An as-built drawing showing the location of the low head pressure facility shall be provided to the Engineering Department prior to the issuance of the Certificate of Occupancy.
 - v. The electric control box shall be mounted on the house and shall be within direct line of sight of the grinder pump chamber.
 - vi. All cables between the grinder chamber and the electric control box shall be installed in conduit. The electric service to the low pressure sanitary sewer system shall have a 220 volt dedicated circuit.
33. Minor subdivision deeds shall be reviewed and approved by the Board's Attorney and Engineer prior to filing. Deeds shall include the following recital: "Pursuant to N.J.S.A. 40:55D-47, the minor subdivision referred to in the within Deed was approved by the Roxbury Township Planning Board on May 18, 2011, and memorialized by Resolution on June 1, 2011."
34. 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 Kingsland Road.
 - 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 Kingsland Road.

- 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.

35. Applicant shall obtain from the Township Engineer a determination of required off-tract improvements and Applicant's pro-rata contribution with respect thereto, pursuant to Ordinances §13-4.6 and 13-4.7. Said contribution shall be paid in full prior to filing minor subdivision deeds.

36. 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.

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

38. 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.

39. 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.

40. 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 May 18, 2011.

Motioned by Councilman Zoschak and seconded by Ms. Lutz to approve

Ayes: Mr. Shadiack, Mrs. Lutz, Councilman Zoschak, Mayor Rilee,

Abstain: Mr. DeFillippo, Mr. Verge and Mr. Meyer

Noes: None

APPLICATIONS:

PBA-09-013 A&E VENTURES OF ROXBURY, LLC Block 3601, Lot 3 & Block 5004, Lot 9 & 10 235-241 Route 10 East

Determination as to fulfillment of condition precedent, Condition #1 of Preliminary Major Site Plan Approval Resolution memorialized Dec. 1, 2010, and as to current status of the Approval.

Mr. Germinario gave the background of the application. The Board had approved a Preliminary Major Site Plan Application, memorialized Dec. 1, 2010, consolidating the Burger King and the "pink house" lot on Route 10 to reconstruct the Burger King and a retail store with access from Route 10 and also alternately from adjoining Boston Market that exits on the Roxville Assoc. Mall property. Roxville Associates did not participate in that hearing but the Boston Market property representatives did. The Board issued its approval subject to a condition precedent that said the applicant had six months to reach an agreement with the Boston Market party regarding access through that lot. In

February Roxville Assoc. filed a lawsuit in order to show cause on the grounds that the Boston Market did not have the right of access to the Roxbury Mall property. The litigation is ongoing. Mr. Germinario had represented that the Board would not recognize the fulfillment of the condition precedent until either the Roxville claim had been adjudicated or that they agreed to this access. He told the Court that the Board would make a determination as to whether the condition precedent has been fulfilled.

A condition precedent is meant to be for a short period because it puts approval in limbo. The applicant has the ability to come in for an amended site plan approval with the single entrance and recognize that the approval can be reinstated in three circumstances, one with single access; two, reach an agreement with all the parties including Roxville Assoc. and come back with an amended approval based on prior approval and the third, if the matter is adjudicated in favor of A & E Associates and the Court makes a finding that the rights of Roxville Associates are not merited.

Mr. Germinario doesn't want the Board to prejudice the rights of the litigants and wants to take the Board out of the middle of this litigation. He had spoken to all the attorneys regarding this.

Attorney Tombalakian for A & E Ventures cautioned the Board not to void the entire approval that concerns many issues; they are just dealing with the second access. He would prefer the use of the second access be voided but would otherwise like to keep their approvals. They don't want to start from scratch and revisit all the non Boston Market issues.

If the Board entertained an amended application it would be based on all the findings and determinations of the previous proceeding but for the access but they would no longer have preliminary site plan approval.

Thomas Buonocore, Esq. on behalf of Roxville Associates, was concerned about their property rights with respect to access and possible construction of the drainage into their sanitary sewage or cinema lot. Approvals are void by the condition precedent under the law. They were noticed on this application but were not contacted about the implication of their property rights. The attorneys have been negotiating but nothing was resolved. Amended drainage plans that did not affect their property had not been submitted.

Mr. Tombalakian thought this was just an access issue and their concerns with drainage should have been addressed at the hearing. They don't want to address the drainage again unless they change it. Mr. Germinario agreed they shouldn't reopen the issues that were resolved in a public hearing.

The original drainage proposal was an overland flow that requires a DEP permit; the better way would be to tie into the Roxbury Mall pipe but they can do the overland if necessary but don't have to determine that tonight. They have to get permission from the Mall for any work on their property. Mr. Tombalakian is not proposing construction on

their property. Block 5004, Lot 9, the Boston Market property, was part of the application approval although not originally part of the application.

Mr. Tombalakian reiterated that if the Board voided the approval, it was just the approval that provided access through the Boston Market, but when they come in with the amended, this will still be treated as a valid document for a springboard for the necessary changes. The Board agreed that was the intent of the board. They would still like to reach an agreement with all the parties.

The meeting was open to public. Attorney Michael Misselli, on behalf of Boston Market, regarding the parking spaces on the Boston Market property was concerned that the spaces could go away. The access agreement would have prevented that. They want to prevent the parking loss and maintain those spaces. If the parking changed as a result of the new application, it would be reconsidered by the Board. Constance Newly Madden, the landlord for Boston Market, said her attorney could not be here for this meeting because of the short notice. A & E Ventures has not made any effort to come to an agreement with her in the last six months. No one else from the public commented. Attorney Buonocore pointed out that no property owner with interest has come to any agreement on anything. For an amended site plan approval, notice would be required.

Motioned by Mayor Rilee and seconded by Mrs. Lutz that the Board finds Condition 1 of the Resolution of December 1, 2010 has not been met (non fulfillment of the condition precedent) so the actual approval to build this project based on the Resolution no longer exists but the Board will recognize the findings, determinations and record of this application as the basis for an amended application under the three circumstances which are: one, the site plan is amended to eliminate the Boston Market access, two, there is agreement by all interested parties including Roxville Associates to that access or three, that a Court of competent jurisdiction makes a determination that no agreement on the part of Roxville Associates to that access is required and the other parties have an agreement to that access. Any changes to the application would be reconsidered.

With no approval they have no immunity to zoning changes, no zoning changes are proposed, however, the initial application date will set the circumstances as to the applicable law and that will be added to the Resolution. The original application date will be recognized as the time of decision for zoning immunity purposes. It will run three years from December 1, 2010.

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

Noes: None

MOTION APPROVED.

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. This matter was carried from the May 18, 2011 meeting. This matter was carried to August 3, 2011 with no further notice.

OLD BUSINESS:

PBA-10-010 ROXBURY ENTERPRISES, LLC. Block 5002, Lot 3 10 Commerce Boulevard

Minor Subdivision and Preliminary Site Plan Application for bank and retail. Grading plan change

Mr. Stern represented that this application had been approved last year and they have started construction and the site work is nearing completion. They have found some historical fill with slight contamination from the Chrysler Plymouth dealership on the site. They can take it off site or spread and cap it. They want to raise the site by 6", create two berms, a 3' berm between PC Richard's and between Fran's basket house that will also be a screen which is desirable. Mr. Ferriero, Mr. Kobylarz and Mr. Stern had no objection. The DEP is involved. The fill has been on the site for 40 years and will be capped to DEP specifications. Mr. Stern did not know the level of contamination of the historic fill. The berms will be capped and topped with topsoil and supervised by the DEP. The Board wanted to know what the contamination was in order to be comfortable about approving this. The applicant will provide more information and the come back to answer the Board's questions. The Board has health and safety concerns not grading concerns.

NEW BUSINESS: none

CORRESPONDENCE: no discussion

The meeting was adjourned at 8:14 p.m.

FOR THE PLANNING BOARD
TOWNSHIP OF ROXBURY

Eugenia Wiss, Board Secretary