

AUGUST 3, 2011 MINUTES

A regular meeting of the Township of Roxbury Planning Board was held on August 3 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. Bautz, Mrs. Lutz, Mr. Verge, Mr. DeFillippo, Mr. Carey and Mr. Meyer.
ABSENT: Mr. Shadiack, Councilman Zoschak and Mayor Rilee.
STAFF: Mr. Ferriero, Mr. Wiener substituting for Mr. Germinario
Mr. Stern and Mrs. Wiss

NOMINATION OF VICE CHAIRMAN

The nomination will be put off to the September meeting.

MINUTES: July 20, 2011

Motioned by Mr. Bautz and seconded by Mr. Carey to approve.

Ayes: Mr. Bautz, Mr. Carey and Mr. Meyer

Abstain: Mrs. Lutz, Mr. DeFillippo, Mr. Verge,

Noes: None

MOTION APPROVED.

COMPLETENESS: nothing

RESOLUTIONS: none

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.

This matter was carried from the June 1, 2011 meeting.

Mr. Lovas, attorney and parishioner of St. Theresa's Church since the early 70's, and Mr. Nusbaum, attorney for the applicant, were present. They had submitted a plan with an altered location of 11 parking spaces to address concerns of the neighbors. Board Traffic Expert, Mr. Maltz of Hamal Associates, had reviewed the revised plan and submitted his report dated August 2, 2011.

The two issues before the Board were design waivers: one was the nonconformity of the church property. Their position on the waiver in response to the Board and the neighbors was that the applicant had expended considerable funds already and the Church had its own site plan approval more than 40 years ago and there is no pass through between properties. Attorney Jay Lovas was sworn in. The Church and the school have been there for 40 years, now there is a childcare center which used to be the convent. In the early

80's they constructed the new church that was dedicated in 1985. At that time they met all the site plan conditions for parking and lighting and have operated in accordance with the site plan approval all these years. They originally wanted a pass way or walk through between the properties but this was not received well so they left the properties separate. There will be no improvements on the existing Church property.

Mr. Russell's report dated September 8, 2010 and updated April 29, 2011, was done when there was a connection between the properties. Now, since there is no longer a connection, there is no rationale for applying the recommendation to address the nonconformities. They agreed that they will still remove the office construction trailer, not the utility pole. The infill of trees (3) on Main Street is not required since native vegetation was established in this area.

Regarding the design waiver relating to sidewalks, Engineer Mario Ianelli who had previously been sworn in and qualified, identified the sidewalks and frontage on Exhibit Marked A-1, 8/3/11 which was an aerial dated August 2, 2011 taken from the NJDEP's website. There is a side walk on west side of Commerce Boulevard. There are gaps in the existing side walks. There is a pathway around a nearby lake, however, access is limited. There is no sidewalk from the lake walkway to Main Street and there is a railroad crossing that goes through this area.

There is a cross walk from condominiums across the street to the lake. The subdivision property doesn't extend all the way to Main Street. From the subdivision to Main Street the footage is 300'. There is a new light proposed on Main Street and Commerce Boulevard that will require new curbing and a sidewalk. They don't want to design a sidewalk that will be torn out in the near future. At the corner of Main and Commerce there is an exceptional resource value wetland according to the DEP with a 150' buffer so they will also need DEP approval for crossing wetlands with a sidewalk. A sidewalk will only go to railroad property and will be problematic to extend especially to a private property.

There is a need for people from their site going to the lake to walk and to get relief from walking on the street. The lake is private property but people will use the walkway anyway. Mr. Nusbaum felt an incomplete sidewalk and having people crossing when they shouldn't is not realistic and is dangerous.

Mr. Ferriero felt the predominant foot traffic will be people walking over to Main Street from the proposed office building. Mr. Nusbaum felt most people drive when a major thoroughfare is involved.

People are walking more now and this is the kind of area that they would like to walk and not cross a major thoroughfare. If the Board doesn't grant waiver the applicant didn't want the sidewalk to extend to Main Street because they do not want a new DEP issue imposed on the Church that would delay the project and because of the alteration of the intersection. They could bond the sidewalk.

Sidewalks are an ordinance requirement. The ordinance requirement for sidewalks would be for the entire frontage of the corner lot to the connection on Main Street.

Mr. Nusbaum felt all other issues have been resolved but for these two issues.

The Board will need revised drawings before voting. With regard to the relocation of parking spaces there were no objections. There are provisions for 9 banked parking spaces but they would need to come in for an amended site plan before they are put in, they would be just graded for now. A greater setback from the parking spaces and the trash enclosed was needed. They had agreed to everything else in Mr. Stern's report. Mr. Ferriero said they had agreed with his report but the revisions haven't been seen yet.

They will submit revised plans, grant the Board a two month extension and will carry to October 5, 2011.

The meeting was open to the public.

Mitchell Garber wanted clarification on banking parking spots. Mr. Ianelli felt medical offices could require more parking. The banked spots will be graded for now and if they decide to pave, they would have to come back to the Board and the neighbors will receive notice. The parking is consistent with the requirement. On April 18th four neighbors met with the developers and they have covered everything in their agenda. Mr. Garber gave copies of the agenda to the Board and it was marked, A-2, 8/3/11. No one else from the public commented. The meeting was closed to the public.

PBA-11- 11 TOWER HILL ESTATES, BLOCK 3602, LOT 9 12 South Hillside Ave. Major Soil Moving Permit.

Dean Donatelli Esq. of Stern & Kilcullen, LLC. represented the applicant. Jerry Rumlick, a representative of the applicant, and Mr. Frank Matarrazo, their project engineer, were present. The property is 7 ½ acres in an R-3 zone and they are proposing 12 lots, one is a detention basin. They received preliminary subdivision approval in December of 2006, memorialized in January of 2007, and have other agency approvals. The Major Soil Moving Permit will allow the installation of the roadway and detention basin. No variances or waivers are anticipated and they intend to comply with the Soil Moving Ordinance.

Jerry Rumplick, the architect, project manager and representative of Tower Hill, was sworn in. Eleven residential lots and one lot with a basin will go in. The development will have extensions of Beeman Place and Shearman Road to a road that will be dedicated back to the Township and there will be a cul de sac at the end of their road in the development. There is no access from Hillside Avenue. They will maintain the stone wall on Hillside Avenue and there is a conservation easement. Marked as Exhibit A-1 is the Colorized. Soil Erosion Sediment Control Plan. Exhibit A-2 was the profiles of the cross sections.

Professional Engineer Frank Matarazzo was sworn in and qualified. He was in agreement with Mr. Ferriero's report of July 26, 2011 and will comply with his conditions. The purpose of the Soil Movement Permit Application is for the rough grading of the lots, construction of the roadway and detention system, installation of the utilities, storm drainage, sanitary sewer and water. He demonstrated where the basin was on the on the colorized plan. There is an access road for maintenance of the detention basin coming off of South Hillside. The roadway through the site will have storm drainage along it, catch basins, storm sewers, all directed into the detention system. The sewer line will run down the middle of the road, go around the basin and tie into the sanitary sewer on South Hillside. They will clear the site, rough grade the road and construct the detention system. There are no wetlands or streams on the site.

He calculated the quantities of earthwork with cross sections at 50' intervals, drew existing and proposed grades and calculated the volume of cut and fill including the excavation volume for the house basements and to the sub grade of the proposed road bed and came up with the numbers, total cut of 9,234 cubic yards total fill, 7,822 cubic yards. There will be an excess cut of 1,412 cubic yards, about 100 truck loads. There will be topsoil stock piled and moved around. An excavator has not been hired yet. They anticipate beginning work in September of 2011 to October, 2011, hours of operation will be Monday through Friday, 8 am to 4 pm, and if necessary, on Saturdays from 8 am to 12 pm. in compliance with the ordinance. The route of travel for the 100 truckloads will be through Beeman Place and Hillside Avenue during construction of the detention basin since that is close to Hillside. Then they will have to go out east onto Route 10, then west on Route 10 then take Route 80 to the Mount Hope Quarry in Wharton. There was a discussion on the travel routes. They did not anticipate any traffic controls but if necessary, there will be flag men from the contractor.

They received approval from the Morris County Soil Conservation District. The Soil Erosion Plan depicts a silt fence, the catch basins have inlet filters, they have wheel cleaning blankets and dust control measures are part of the MCSCD approval. The detention basin will act as a temporary sediment control basin. They have approvals from the Morris County Planning Board, the DEP treatment works for sewer, Roxbury Water Company and the Roxbury Dept. of Public Works. They have a signed Developer's agreement with the municipality and roadway dedication to the County of Morris. They have a tracking pad and agreed to tarping on the site.

Mr. Ferriero said the calculations received tonight were different from what were previously submitted and they need to be verified. Since the trucking will go through a small lot subdivision, photos or video of the roadways should be taken before construction in case there is damage. If the tracking pad is not efficient, the developer should have a wash station if needed because of mud on the road. There will be no blasting. The roads will need to be swept also to prevent mud on the street. Traffic control might be needed to direct traffic and it should be noted in the resolution that traffic control will be discussed at the pre-construction meeting with the engineering department as to whether a contractor or police are required. They need to be cognizant of school hours since they are close to the school. There was a concern on stacking and

this needs to be in the resolution and enforced. They agreed to comply with all of the requirements of the Soil Movement ordinance and will coordinate with the property owners as need be as well as the Township Engineering and Planning Office.

The meeting was open to public. Mr. Berkeley Adams, 16 Shearman Road, has concerns because Shearman is a narrow road and was concerned about big trucks turning out that narrow turn onto Route 10 which is very busy. Shearman Road is crumbling today. A condition of approval is that Shearman is temporarily barricaded so they have to go through Beeman. They still need to be cautious of where Shearman and Beeman meet.

Donna Francis, 11 Beeman Place, was concerned about trucks turning around and this will be done on site. They agreed to move the gravel tracking pad to the end of the driveway. The stockpile of soil near her property will be eliminated, the one near Beeman, and they will use the other one. They won't block the driveways with the tracking pad.

Carman Hahn whose daughter just bought 5 Shearman Road has three small girls and was concerned about the narrow road, the trucks and the children's safety. They also have water in the basement. By law, the water runoff cannot be worse as a result of this development and if anything it should be better.

Robert Puzio, 9 Beeman Place, had safety concerns with truck traffic because the turn in from Route 10 is onto a narrow street. He would like Beeman repaved when this project is done. Any damage to the road will be the applicant's responsibility but the Board can't control the township's repaving schedule. The area where the cul de sacs are removed will be repaved.

Adrian Raman, 11 Shearman, was concerned about the bus stops, trucks shouldn't be out there when children are there.

Urszula Rowe, 19 South Hillside Avenue, was concerned about the open detention basin, she doesn't want mosquitoes and it needs to be safe from children. It is an open basin or detention pond and will be landscaped with a discharge at the bottom of the basin so it will dry out. It is sloping to eight feet deep. It should dry out in under 72 hours, probably in 24-48 hours as there is a pipe draining it.

Jim Hahn, his daughter just bought the house, and the back of her yard is a swamp. He was assured the engineers had scrutinized and approved the drainage plan in the site plan approval process.

Donna Francis was concerned about traffic on Shearman and was assured that traffic control will be addressed at the preconstruction meeting and the police department will be involved.

Iris Bernike, 9 Shearman Road, said the holiday traffic is very bad in this area. They can't divert the traffic and they can't use Hillside all the time because it is too steep.

Owen Rowe, 19 So. Hillside, requested that the Township supervise the site especially to prevent a dust problem. Any soil exposed over 30 days has to have seed installed. He has traffic and safety concerns and wanted police supervision.

Jim Hahn wondered if they were going to widen the street with 11 additional housing units. This was discussed during the subdivision application but the impact would be a proportionately small from this development so the Township would be responsible for this. The residents could go to the township with this request and the paving issue.

They did not know how long the construction for full development will take because of market conditions. The soil movement facet (clearing, grading, road and basin construction) will take about two months but trucks will be hauling until the last house is built. No one else from the public commented. The meeting was closed to the public.

Motioned by Mr. Bautz and seconded by Mr. Carey to approve.

Ayes: Mr. Bautz, Mrs. Lutz, Mr. Verge, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED.

Mr. Rumplick will stay and discuss concerns with the neighbors.

PBA-07-025 ETEL REALTY LLC. , Block 9201, Lot 2, 99 Route 206

Extension of Preliminary Site Plan Approval granted on February 20, 2008, memorialized on March 19, 2008. The applicant's attorney has requested this matter be put on the September 6th agenda. This matter will be carried to September 6, 2011 with no further notice.

PBA-07-026 ETEL REALTY LLC. , Block 9201, Lot 2, 99 Route 206

Extension of Major Soil Moving Permit. The applicant's attorney has requested this matter be put on the September 6th agenda. This matter will be carried to September 6, 2011 with no further notice.

OLD BUSINESS:

NEW BUSINESS:

AMENDMENT OF THE MASTER PLAN FOR THE ADOPTION OF THE OPEN SPACE & RECREATION PLAN

Andy Tybus, Chairman of the Roxbury Township Open Space Committee, passed around a summary of the Plan. The original Open Space Plan dates back to 1999 and was adopted officially in 2001 so it was an old plan that needed revision. Updating it was necessary to continue receiving NJ Green Acres Grants. Since the original plan they have preserved 609 acres in Roxbury for active/passive recreation or preservation and the plan has been an effective tool. In the new Plan they incorporated the concept of

stewardship that includes maintaining the properties. They are trying to tie areas together, the Greenway, by connecting neighborhoods to parks, natural lands and school via an integrated system. They incorporated the 2006 Trail Plan and concepts for potential trails and the updated recreation plan into this plan. They had a public outreach for this Plan and created a vision statement that also works with the historic elements of the Township. The Plan updates areas for potential funding. They are working with Conservation Resources and Morris County Conservancy for funding. There is not much money available this year, however, multiple pieces and watershed pieces are more attractive. The Plan has 1, 3 and 5 year action plans to keep moving forward. The Plan compiles all the acquisitions and funding. They are exploring the possibility with working with their neighbors for linkage for trail projects which would be more desirable for funding.

The Chairman thanked the committee for a wonderful job done by the volunteers.

Mr. Stern commented that 1999 plan was pre computer generated graphics and the Township had acquired hundreds of acres of land so it was certainly a much needed update. His only comment was on Page 17 regarding the Highlands Regional Master Plan. The last sentence, "Roxbury has chosen not to conform to the Highlands Regional Master Plan" and this should be removed because the Township will be conforming; it's mandatory in the Preservation area. The Highlands reference will be removed.

The Board can adopt this element of the Master Plan and work this issue out by the September 6th Planning Board meeting when a favorable Resolution will be memorialized.

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

Motioned by Mrs. Lutz and seconded by Mr. Bautz to approve the Open Space Plan as it has been presented to the Board for adoption of the Master Plan.

Ayes: Mr. Bautz, Mrs. Lutz, Mr. Verge, Mr. DeFillippo, Mr. Carey and Mr. Meyer

Noes: None

MOTION APPROVED.

The next meeting of the Planning Board will be on Tuesday, September 6, 2011 instead of Wednesday, September 7, 2011.

A motion to adjourn was made at 9:37 p.m.

FOR THE PLANNING BOARD
TOWNSHIP OF ROXBURY

Eugenia Wiss, Board Secretary