

SEPTEMBER 2, 2009, MINUTES

A regular meeting of Planning Board of the Township of Roxbury was held on September 2, 2009, at 7:30 p.m. in the Municipal Building at 1715 Rt. 46, Ledgewood, N.J. with Chairman Scott Meyer presiding. After a Salute to the Flag the Chairman read the "Open Public Meetings Act".

BOARD MEMBERS PRESENT: Michael Shadiack, Larry Sweeney, Linda Lutz, Richard Zoschak, James Rilee, Robert DeFillippo and Chairman Scott Meyer

ABSENT: Andre Verge, Charles Bautz and Joseph Schwab

PROFESSIONAL STAFF PRESENT: Tom Germinario, Esq., Paul Ferriero, P.E.; Russell Stern, P.P.

Also present, Eugenia Wiss, Board Secretary.

MINUTES:

A motion to approve the minutes of July 15, 2009, was made by Mr. Zoschak, seconded by Mr. Rilee

Roll Call: Mr. Zoschak, yes; Mr. DeFillippo, yes; Mrs. Lutz, yes, Mr. Rilee, yes; Mr. Meyer, yes

RESOLUTIONS:

Cooke, Dwight & Phyllis 53 Main Street Block 3801, Lot 70
Extension of a Condition of Approval

ROXBURY TOWNSHIP PLANNING BOARD
RESOLUTION OF MEMORIALIZATION

Decided: July 15, 2009
Memorialized: September 2, 2009

IN THE MATTER OF DWIGHT AND PHYLLIS COOKE
AMENDED PRELIMINARY MAJOR SITE PLAN APPROVAL
BLOCK 3801, LOT 70
APPLICATION NO. PBA-08-015

WHEREAS, by Resolution of January 7, 2009, Dwight and Phyllis Cooke (hereinafter the "Applicant") were granted preliminary major site plan approval by the Roxbury Township Planning Board (hereinafter the "Board") to convert the pre-existing nonconforming residential use on the subject property to a conforming office use and construct a parking lot for 7 vehicles; and

WHEREAS, the Resolution Condition 1 required that all site improvements be installed not later than August 1, 2009 (the "Installation Date"); and

WHEREAS, Applicant appeared before the Board on July 15, 2009, and requested that the Installation Date be extended to December 2, 2009, because current economic conditions have left Applicant without sufficient funds to complete the improvements by August 1, 2009.

NOW, THEREFORE, BE IT RESOLVED, that Condition 1 of the Resolution is amended to require installation of all site improvements by December 2, 2009.

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 July 15, 2009.

A motion to approve the Resolution was made by Mr. Rilee, seconded by Mr. Zoschak

Roll Call: Mr. Zoschak, yes; Mr. Shadiack, yes; Mr. DeFillippo, yes; Mrs. Lutz, yes, Mr. Rilee, yes; Mr. Meyer, yes

COMPLETENESS:

PBA-09-009 Jeff Seeger, 278 Berkshire Valley Road Block 13001, Lot 3, R-2 Zone
Minor Subdivision and Variance application

Mr. Stern said they have provided all the required information and the staff's recommendation is to deem the application complete.

A motion to deem the application complete was made by Mr. Rilee, seconded by Mrs. Lutz.

Roll Call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

PBA-09-010 Odd & Gudrun Ribe, 9 Larson Drive, Block 3104, Lot 1, R-2 Zone
Minor Subdivision and Variance application.

Mr. Stern said they have provided all the required information and the staff's recommendation is to deem the application complete.

A motion to deem the application complete was made by Mr. Rilee, seconded by Mr. Sweeney.

Roll Call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

APPLICATIONS:

PBA-09-003 William Farley, Dell Avenue (Old Dell Ave. and Berkshire Valley Road) Block 7002, Lot 3,4,5. Major Subdivision to create six lots in R-2 Zone.

This matter was carried from the July 15, 2009 meeting.

The applicant was not present. This application has been carried since April and no communication from the applicant had been received.

A motion to deny without prejudice was made Mr. Rilee, seconded by Mr. Zoschak.

Roll Call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

PBA-09-008 Francisco, Alan Block 11002, Lot 43 318 Kingsland Road, R-3 Zone Steep Slope and Minor Site Plan Application with variances for a wall and parking.

This matter was carried from the July 15, 2009 meeting.

Mr. Francisco and Mr. Careaga were sworn in. Mr. Careaga will testify as an engineering expert and had been previously qualified by the Board. There have been a number of changes to the plan per the Board's comments since the last hearing. Mr. Careaga stated the lot size was 9270 sf and 15,000 sf was required and has non-conforming setbacks that are pre-existing variance conditions. Because Kingsland Road is narrow, there is a problem of access for the homes on the street. They propose 45.8% lot coverage, 39% exists for a parking area. There is also substantial disturbance of steep slope disturbance. He explained the existing access conditions on sheet number 2. The owners of three houses back down a driveway in order to park in front of their houses and they have to move stacked, parked cars to get out. All three houses use a tiny cul-de-sac and there is no room for anybody to turn around. Mr. Francisco had no place to park so he tried to construct a parking lot but it was too steep. There is a road on the right but Mr. Francisco said it was a neighbor's driveway. He uses the shared driveway that can't be used in the winter time because it is too steep. They originally wanted to salvage the walls that were constructed but redesigned the project to address the Board and professionals' comments. They brought the walls away from the property line to accommodate landscaping and stacked the wall. This area will allow parking and also allow the neighborhood to have a turn around area. Four cars can fit in the new design. They have added landscaping and tried to address the original reports. The benefit for granting the variance would be that the other residents can use the area to back out. His neighbor uses his steps in the winter now. One of the bottom existing retaining walls is on his neighbor's property and they wanted him to join in the application to expand the parking area also but he wasn't interested. There was a concern that the proposed parking area will be used for storage area of recreational equipment. They can't store skidoos there if they are going to use it as a turn around.

Mr. Francisco has owned the house for five years. He received a violation notice for grinder pump modification but he is going to meet with the engineer for Roxbury tomorrow to discuss this.

The intent is to use the parking area for his vehicles and the site has constraints. If the Board is concerned with the area being used for recreational vehicles, it could be put in the resolution that only cars are allowed. Mr. Francisco agreed to this.

Mr. Stern's report of August 31, 2009 was reviewed. The grade is at 5% for the driveway. The wall will have a guard rail and they agreed to a double-sided fence. The visual impacts have been addressed by moving the walls, instead of one wall there are now two walls with plantings to soften them. Exhibit A-1 was photos of the neighboring house. The grade is lower and a wooded area buffers the house and plantings will also provide a buffer. Mr. Stern wanted modifications to the landscaping because of deer damage and they agreed to work with him. The 55' opening of the driveway could be further reduced but he has two cars and the neighbors use it to turn around and park. Mr. Francisco wanted to keep the shed because he needs the storage and that required a variance. The 8'x10' shed is unfinished and will be hidden from the road and will not be seen when the landscaping fills in. He agreed to replace the shed with a new shed. Mr. Careaga will provide the dimensions to verify the setbacks and felt the walls conformed now.

Although the Board does have the right to require a conservation easement, Mr. Stern did not recommend it. The advantage of others using the driveway justified the C Variances including impervious coverage and steep slope. Garbage trucks now back up the driveway.

The Board had a concern with the increase in impervious coverage and the runoff especially as this is a lakefront property. They are catching the water with a sump inlet to minimize oils, a stone storage area under the parking to infiltrate the water and Mr. Careaga felt there would be no increase, maybe less. They need to submit the application to the Lake Commission also for comment. The common driveway is a factor in the impervious coverage and he can't take away any pavement there; they to have to keep driveway clear and can't use it for parking. The common driveway creates 14% lot coverage. They are adding 1200 sf of new driveway, 14% taken off would be 32%.

Public improvements to correct this problem might create more runoff. The common driveway is an easement. They either had satisfied or agreed to the items in Mr. Stern's report including landscaping needed along that higher wall

With regard to Mr. Ferriero's letter of August 28, 2009, the fence issue had been addressed and he felt the applicant will need to submit the project to the DEP. The increase in impervious coverage from 33 to 45%, 1200 sf. is a small project but this is a small lot. It can be dealt with in a manor similar to what was proposed here. It can help with the infiltration and water quality. A larger public improvement might be worse. His concern with the storm water management system was that water will seep through and ice in the winter. He recommended that it be built back. The impervious surface is not that large and what was designed will help recharge. This is an appropriately scaled solution to address the new impervious coverage. Mr. Careaga agreed to the modifications recommended, getting the stone away from the wall toward the middle.

Mr. Meyer was concerned that the driveway might not be shared in the future and that was why they would grant the increase in impervious coverage. In the winter six other

cars in the neighborhood can't get down the driveway. He stores his boat in a marina and skidoos at the bottom of the driveway. Mr. Rilee was concerned that work had been done without permits and hopefully, he has learned his lesson.

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

A motion to approve the application with all the caveats discussed this evening including a new shed was made by Mr. Zoschak, seconded by Mr. Sweeney.

Roll Call: Mr. Shadiack, yes; Mr. Sweeney, yes; Mrs. Lutz, yes; Mr. Zoschak, yes; Mr. Rilee, yes; Mr. DeFillippo, yes; Mr. Meyer, yes

KBC Properties LLC. (Kuiken Brothers) Block 1905, Lots 11& 13
Discussion on Architectural and Landscape Design Modifications

Douglas R. Kuiken was sworn in. He was here for modifications to an approved site plan. In June of 2008 they received approval and began construction, however, the economy took a downturn and his lumber and construction material business was affected and they are seriously trying to minimize their capital expenditures. They are committed to developing the site but have to slow the process down a bit. Mr. Stern had been to the site and they had discussed the proposed changes that they felt wouldn't impact the site in a negative way.

They are requesting changes to the architectural elements and he explained the changes with renderings and photos.

No changes were proposed for the front elevation of primary warehouse except they will not put the upper decorative column on the right. They would like to eliminate the columns on the rear view of the warehouse. The brick piers for the columns are up and now have a limestone cap and he would like to keep the cap and not install the column. Mr. Stern said early on they installed the major landscape items, have done the siding and used vertical ribbed, steel paneling that looks good and the downspouts are a vertical element, neither showed up well on the renderings. The columns might be competing with the downspouts and it could be too busy. With a grade change and a board on board fence and landscaping there is screen from the residences.

They would like to use the same vertical siding on the 280', three-sided shed parallel to bike path. The long, vertical rib siding would suffice especially with the landscaping, and large setback; it won't be seen.

The Board members were concerned about the sound and visual impact of the shed from Horseshoe Lake. Mr. Stern said it won't be insulated and the shed was placed to screen the activity. Stern said the area was landscaped and fenced with more planting to be done. Aspects of the building will be seen but there won't be an unobstructed view of the building. They were originally going to do two types of siding, hardy plank and cement

shakes. There would be no downspouts or gutters on this building and were asked if they can do anything to break it up. They felt the trees and landscaping will screen it. The steel will require some maintenance, it has a 20 year finish and steel purloins should prevent denting. The Board originally approved something more natural rather than a 280' steel wall as people do walk in this area year round. The trees will be full in 4-5 years and there will be landscaping closer to the building.

Mr. Ferriero didn't feel there would be an acoustical difference between the types of siding. A light taupe color for the siding is proposed with a light roof and the shed is set back from the bike path and there is a fence and trees. Mr. Stern said additional evergreens (20), bushes and shade trees will be planted and will break up the views. They would consider planting more evergreens and will meet with Mr. Stern and be guided by his recommendations. They might add evergreens instead of shrubs along the building. It was suggested that leaders be used to break up the building even though they would not be hooked up to gutters. They agreed to this and also to additional plantings.

Regarding the "T" shed or the umbrella shed, it was approved that only the ends are finished with hardy plank and shake, however, they would like to use same vertical siding because they aren't visible anywhere as Mr. Kuiken demonstrated with photos. From Route 10 there is a lot of vegetation and evergreen plantings are proposed. The "Welcome Center" will be the attractive feature entering the site. They need to trim the corners and soffits with wider flashing perhaps. A corner piece, perhaps white, to match the flashing would make it more attractive.

Mr. Kuiken felt the some of the landscaping and plantings are excessive especially on a wooded slope between the rear of Carpet Center because they wouldn't be seen and would not do well because of the existing vegetation. Stern felt an adjustment was warranted. Grass, some shade trees and shrubs are proposed along the paving. The applicant also wanted relief from some "rain garden plantings" proposed in a few areas that are also a considerable expenditure. They propose just grass instead of the perennials. Mr. Ferriero needed to check with DEP on riparian buffers to see if this change is permitted. The perennials involve maintenance and turf would be effective and more resilient as it doesn't require as much maintenance.

They agreed to work with Mr. Stern and said it will be a great site when completed. Mr. Zoschak wanted to know how many deliveries by railway were planned. Mr. Kuiken felt on an average three hauls per week.

A motion to approve the modifications to the application and amend the site plan as discussed tonight conditioned upon the approval of the changes by the DEP and with Mr. Stern working out the architectural and landscaping details was made by Mr. Zoschak, seconded by Mr. Rilee.

Roll Call: Mr. Zoschak, yes; Mr. Shadiack, yes; Mr. DeFillippo, yes; Mrs. Lutz, yes, Mr. Rilee, yes; Mr. Meyer, yes

NEW BUSINESS:

The Land Use Ordinances were given to the Board and at the next meeting there would be Master Plan Consistency determination for them. They had already been reviewed by the Board and were a culmination of suggestions from other committees. They are up for Council adoption on the 22nd. Some changes were corrections and a chart will be made available outlining the changes.

Mr. Banisch will give a presentation on the Land Use Plan Element Update at the September 16th meeting which is a component of the Master Plan.

The Council will be reviewing two ordinances that are a COAH requirement as a condition of approval.

There was a discussion on temporary signs and sign issues. The Master plan committee can meet to discuss this and also the zoning application process, making it more “user friendly”. Redevelopment zones permit some leniency but consistency was important. They could get input from other municipalities.

The meeting was adjourned by motion at 9:15 p.m.

FOR THE PLANNING BOARD
TOWNSHIP OF ROXBURY

Eugenia Wiss, Board Secretary