

**May 16, 2012 MINUTES**

A regular meeting of the Township of Roxbury Planning Board was held on May 16, 2012, 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, Mr. Zoschak, Mr. Rilee, Mr. DeFillippo, Mr. Carey, Mr. Meyer, Mr. Meyers, Mr. Silcox and Mr. Bautz.  
**ABSENT:** None.  
**STAFF:** Mr. Ferriero, Mr. Germinario, Mr. Stern and Mrs. Wiss

**MINUTES:** April 18, 2012

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

Ayes: Mr. Shadiack, Mr. Verge, Mr. Zoschak, Mr. DeFillippo, Mr. Carey, Mr. Meyer, Mr. Meyers, Mr. Silcox and Mr. Bautz

Noes: None

MOTION APPROVED.

**RESOLUTIONS:  
COMPLETENESS:**

**APPLICATIONS:**

**PBA-12-08 CMU, LLC. (Clayton/McNear) Block 10018, Lot 1 & others,  
Ledgewood-Landing Rd.**

Preliminary Site Restoration Plan. This matter was carried to the June 20, 2012 meeting with no further notice.

**PBA-09-013 A & E VENTURES Block 3601, Lot 3 and Block 5004, Lot 10 235-241  
Route 10**

Amended Preliminary Site Plan Application – Burger King and Retail. This matter was carried to the June 20, 2012 meeting with no further notice.

**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.

Attorney Paul Nusbaum represented the applicant. St. Theresa’s Church owns approximately 16 acres currently; they would like to subdivide leaving 10 acres for the Church and 6 acres for the applicant to utilize for a medical arts office building and bank. There had been previous meetings on this application, 9/15/10, 5/4/11, 5/18/11 and 8/3/11. Their engineer, Mr. Ianelli, was previously sworn in and qualified and will go over the significant items and major changes as a result of the comments received during

the public hearings and reviews by the Board professionals. On Page C-101 of the site plan they added additional parking in the area of the bank, eliminated the bank dumpster, the interconnect between properties was eliminated and the dumpster was relocated to side yard. They banked 12 spaces and a 6' high solid PVC fence was added. They revised the driveway around the bank to be 20' to minimize impervious coverage. They added a sidewalk from the railway right of way along the frontage of the property that will ultimately tie into Main Street. This will be coordinated after the intersection construction. The trailers in the new setback created by the subdivision will be removed completely. The sheds will be relocated in a conforming location.

The construction of sidewalks will be completed before the Certificate of Occupancy is issued for the medical building. They agreed with all the items on Mr. Stern's report updated May 7, 2012.

Mr. Ferriero's report of May 15, 2012 requested clarification on the basement; it is 7' high and is for storage only. They agreed to show the security lighting on the plan. Additional soil work for the stormwater system needs to be done before any site disturbance. There was a discussion about the impact of groundwater elevations on the basement of the building. In a storm event the water in the detention basin will be above the basement elevation and there could be a problem with a wet basement. Their engineer maintained that there are mitigation and water proofing mechanisms available.

The phasing plan calls for the construction of the bank, then the main building later. Everything in front of the building will be built in Phase 1 and the building pad will be set. They will bring the site to grade and re-excavate for the basement if needed. The details will be worked out in the soil movement permit.

They agreed to address the six comments in the memo of May 11, 2012 from Traffic Engineer Harold Maltz of Hamal Associates. The Fire Official's memo of May 9, 2012 was agreed to also. They agreed to address the items in the Police memo of September 11, 2010, with the exception of the traffic light study.

Mr. Stern reviewed the waivers for the Board, some have been eliminated and possibly no variances were associated with this application. There may be a variance for the Church parking. They had the least amount of waivers on a landscape plan of any recent applicant. They will provide a solid PVC fence along all the backyards of Ruth Court along the parking spaces servicing the office. The fence will stop or taper down at the bank. They will verify where lightposts will have exposed foundations; they won't clad them.

They agreed with all the comments in Mr. Ferriero's report. Regarding Title 39 enforcement requested by the Fire Official this probably should not be implemented because the State is not encouraging it. It has been quite some time since it has been implemented on a private property. The applicant should make a reasonable attempt and the Board should be made aware that it may not occur. They could pursue Title 39 if zoning and police recognize a problem at the site or there are traffic concerns at the property identified by police and zoning. The Board wanted to leave this condition in.

The meeting was open to the public.

Bob Griffin, the attorney for Drakesville of Roxbury, said they are undertaking a major repaving job in Drakesville. They have trouble with people cutting through Drakesville and want to make sure no construction vehicles cut through. There was no shoulder on Commerce Boulevard and they wondered if there was a turnoff lane. This issue had been discussed at previous meeting and it was determined that a separate turning lane was not needed. It was still a concern of theirs. They were concerned that the sidewalks would encourage people to come to the pond which is their property. They have a problem with people fishing there, kids hanging out and litter. They don't want to encourage people to use the pond and would not like the sidewalk continued toward the pond. There are sidewalks on the other side of Commerce Boulevard. There was a discussion on the need for sidewalks and the safety issues involved.

Mr. Griffin wanted details on the lighting; there was no lighting on Commerce. There will only be one illuminated monument sign probably down lit, not neon.

Tina Castagna, 17 Kentwood, wanted to know if there would be a fence on the easterly side of the property. There will be a black, chain link fence by the retaining wall to blend in with the landscaping. There will be a 6' PVC fence along the northerly property line beginning at the end of parking to the bank.

Phyllis Searls, 150 Drake, was concerned that people who work in the building will use the pond walkway on their lunch hour and the legal implications if there is an injury. There are no trespassing signs posted there already.

Carol Scheneck, President of Drakesville, 37 Drake Lane, was concerned about people being encouraged to use the sidewalk to get to the lake and the liability. She asked that as a condition of soil removal approval that the trucks do not go through their property.

The Township gets very few opportunities to get sidewalks put in and it is a safety issue as more people are walking now. The Board fully respects private property.

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

The route of travel for trucks is a soil movement issue. Construction workers will be advised not to cut through Drakesville.

Motioned by Mr. Rilee and seconded by Mr. Meyer to approve subject to addressing the few outstanding issues of phasing and items in Mr. Stern's and Mr. Ferriero's reports and to grant a variance, if needed, for two parking stalls at the Church, with sidewalks installed to the edge of the property.

Ayes: Mr. Shadiack, Mrs. Lutz, Mr. Verge, Mr. Zoschak, Mr. Rilee, Mr. DeFillippo, Mr. Carey, Mr. Meyer, Mr. Meyers, Mr. Silcox and Mr. Bautz

Noes: None

MOTION APPROVED.

A waiver will be granted for the sidewalk setback and street trees will be on the far side of the sidewalk. The applicant will advise his construction officials to refrain from using the private property that belongs to Drakesville including the pond.

**OLD BUSINESS:**

**NEW BUSINESS:**

Master Plan Consistency – Proposed Chicken Ordinance

Mr. Stern explained the reasoning behind developing the Chicken Ordinance and felt it was consistent with the Master Plan.

**RESOLUTION FOR MASTER PLAN CONSISTENCY**

**ROXBURY TOWNSHIP PLANNING BOARD  
RESOLUTION FINDING MASTER PLAN CONSISTENCY**

**IN THE MATTER OF MASTER PLAN CONSISTENCY DETERMINATION ORDINANCE NO. 07-12 TO AMEND AND SUPPLEMENT CHAPTER XIII, LAND DEVELOPMENT ORDINANCE, ARTICLE VII, ZONING REGULATIONS BY INCLUSION OF A NEW SECTION 13-7.901G, ENTITLED “THE KEEPING OF CHICKENS ON RESIDENTIAL LOTS LESS THAN 5 ACRES” OF THE REVISED ORDINANCES OF THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS, STATE OF NEW JERSEY**

**WHEREAS**, the Planning Board has reviewed the proposed Ordinance No. 07-12 and has received input from the Township Planner and Board Attorney concerning same, and has discussed the Ordinance at its public meeting of 5/16/12; and

**WHEREAS**, based upon its review and that of the Township Planner and the Board Attorney, the Board has determined that the proposed Ordinance is consistent with the Master Plan and promotes the goals and objectives of the plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board does hereby find and determine that proposed Ordinance No. 07-12, to amend and supplement Chapter XIII, Land Development Ordinance, Article VII, Zoning Regulations by Inclusion of a new Section 13-7.901G, entitled “The Keeping of Chickens on Residential Lots Less Than 5 Acres” of the Revised Ordinances of the Township of Roxbury, County of Morris, State of New Jersey, is consistent with the Roxbury Township Master Plan and with the planning goals and objectives of the Township. The Planning Board Secretary is hereby directed to advise the Township Council of said determination by the Planning Board.

The undersigned does hereby certify that the foregoing is a true copy of the action taken by the Planning Board at its regular meeting of 5/16/12.

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Eugenia Wiss, Secretary

Motioned by Mr. Rilee and seconded by Mr. Verge to approve the Resolution.

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

Abstain: Mr. Shadiack

Noes: Mr. Zoschak, Mr. Meyers and Mr. Meyer

MOTION APPROVED.

Motion to adjourn the meeting was made at 8:52 p.m.

FOR THE PLANNING BOARD  
TOWNSHIP OF ROXBURY

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Eugenia Wiss, Secretary