

**JUNE 20, 2012 MINUTES**

A regular meeting of the Township of Roxbury Planning Board was held on June 20, 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.

**PRESENT:** Mr. Shadiack, Mrs. Lutz, Councilman Rilee, Mr. DeFillippo, Mr. Carey, Mr. Meyer, Mr. Meyers, Mr. Silcox and Mr. Bautz.  
**ABSENT:** Mr. Verge and Councilman Zoschak.  
**STAFF:** Mr. Ferriero, Mr. Germinario, Mr. Stern and Mrs. Wiss

**MINUTES:** May 16, 2012

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

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

Noes: None

MOTION APPROVED.

**RESOLUTIONS:**

**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.  
**ROXBURY TOWNSHIP PLANNING BOARD**

**RESOLUTION OF MEMORIALIZATION**

**Decided: May 16, 2012**  
**Memorialized: June 20, 2012**

**IN THE MATTER OF THE PLAZA AT ROXBURY, LLC**  
**PRELIMINARY MAJOR SITE PLAN AND MINOR SUBDIVISION APPROVAL**  
**BLOCK 5103, LOT 1**  
**APPLICATION NO. PBA-09-017**

**WHEREAS**, The Plaza at Roxbury (hereinafter the "Applicant") applied to the Roxbury Township Planning Board (hereinafter the "Board") for preliminary major site plan and minor subdivision approval on 9/21/09; and

**WHEREAS**, the application was deemed complete by the Board, and public hearings were held on 9/15/10, 5/4/11, 5/18/11, 8/3/11 and 5/16/12; 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 16.72 acres located at the intersection of Commerce Boulevard and Main Street. It is zoned Professional Office/Residential District (PO/R) and is developed with St. Therese's Church and School. A House of Worship is a permitted conditional use in the PO/R District. The existing property has a number of pre-existing nonconformities including a pre-existing nonconforming rear yard setback of 25.1 feet (100 feet or two times height required), as well as deviations from current design standards. The northerly portion of the site is wooded and an area once used for a ball field has succumbed to successional vegetation. Exceptional value resource wetlands are located at the southwest corner of the site by the Main Street/Commerce Boulevard intersection. With Commerce Boulevard serving as the north/south axis, single family

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homes zoned R-3 are located on the north and east of the site. Situated to the south across from Main Street are retail and office uses zoned B-2 and to the west across from Commerce Boulevard is RP Smith (concrete block manufacturing) zoned PO/R.

2. The development of the subject property proposed by the Applicant comprises minor subdivision and major preliminary site plan approvals to subdivide the Church onto a 10.682 acre lot and create a new 6.039 acre parcel for the development of a 50,000 square feet medical office building and a 2,610 square feet one-story bank with drive-through lanes. A bank with drive-through windows is a permitted conditional use in the PO/R District. The site will contain a total of 209 parking spaces and a retention basin along Commerce Boulevard and an infiltration basin to the rear. Public sewer and water from the Roxbury Water Company will service the site. The Applicant seeks to connect to the existing water and sewer lines located on the Church property. The new parcel will have a floor area ratio of 0.1999 (0.20 permitted) and an impervious coverage of 50.6% (55% permitted). The site will be accessed by two driveways off of Commerce Boulevard. No internal vehicular or pedestrian connection is provided to the Church.

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 Dewberry Engineers, Inc. – dated 8/15/09,  
revised 4/20/12

- Sheet 1, Cover Sheet
- Sheet 2, Overall Site Plan
- Sheet 3, Site Layout and Dimensional Control/Circulation Plan
- Sheet 4, Grading Plan
- Sheet 5, Utility Plan
- Sheet 6, Landscape Plan
- Sheet 7, Lighting Plan
- Sheet 8, Waterline and Sanitary Sewer Profiles
- Sheet 9, Waterline and Sanitary Sewer Profiles
- Sheet 10, Soil Erosion and Sediment Control Plan
- Sheet 11, Soil Erosion and Sediment Control Notes & Details
- Sheet 12, Lighting Notes and Details
- Sheet 13, Landscape Notes and Details
- Sheet 14, Construction Details
- Sheet 15, Construction Details
- Sheet 16, Phasing Plan
- Sheet 17, Construction Details

Prepared by Miseo Associates, P.A., Architects

- Sheet A-1, Front and Left Side Elevations, dated 6/17/10
- Sheet A-2, Building Footprint, dated 2/4/10
- Sheet A-2, Rear and Left Side Elevation and Building Cross Section, dated 6/17/10
- Sheet A-3, First Floor Plan, dated 6/17/10
- Sheet A-4, Second Floor Plan, dated 6/17/10
- Sheet A-5, Bank Elevations and Floor Plan, dated 6/17/10
- Sheet 1 of 1, Minor Subdivision Plat, dated 7/29/08

Prepared by Schan Associates

- Sheet 1 of 1, Boundary & Topographic Survey, dated 8/28/08, revised 2/1/10

Prepared by CMX

- Environmental Impact Statement, dated 8/15/09

Prepared by Birdsall Services Group – dated 8/15/09, revised 5/7/10

- Sheet 1, Cover Sheet
- Sheet 2, Existing Conditions Plan
- Sheet 3, Layout and Dimensional Control/Circulation Plan
- Sheet 4, Grading Plan
- Sheet 5, Utility Plan
- Sheet 6, Landscape Plan
- Sheet 7, Lighting Plan
- Sheet 8, Storm Sewer and Curb Return Profiles
- Sheet 9, Waterline and Sanitary Sewer Profiles
- Sheet 10, Soil Erosion and Sediment Control Plan
- Sheet 11, Soil Erosion and Sediment Control Notes & Details
- Sheet 12, Lighting Notes and Details
- Sheet 13, Landscape Notes and Details
- Sheet 14, Construction Details
- Sheet 15, Construction Details
- Sheet 16, Phasing Plan
- Sheet 1 of 1, Tree Removal Plan, dated 8/17/09

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record:

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

Letters of Mario Ianneli, PE, dated 4/21/11, 5/26/11,  
and 4/25/12, responding to comments of Board  
professionals

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, Review #1, dated 9/8/10, update of 4/29/11, Review #2, update of 5/7/12, Review #5

Russell Stern, PP, Review #2, dated 1/24/11, update of 4/29/11, Review #4

Paul Ferriero, PE, dated 9/8/10 and 5/15/12

Harold Maltz, PE, PP (traffic expert), dated 11/22/10  
8/2/11 and 5/11/12

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

Michael Kobylarz, PE, PP, Township Engineer,  
dated 9/10/10

Michael Pellek, Fire Official, dated 9/8/10 and 5/9/12

Ptl. Gregg Prendergast, Traffic Safety Bureau,  
dated 9/11/10

Environmental Commission, dated 9/9/10

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

A-1 Colored Rendering of Concept Plan (12/4/07)  
A-2 Photo of Exemplary Evergreen Planted Berm  
A-3 Colored Rendering of Front Elevation of Medical Building  
A-4 Modified Version of Architectural Sheet A-1  
A-5 Modified Version of Architectural Sheet A-5  
A-6 Colored Rendering of Updated Landscape Plan  
A-7 Aerial Map of Subject Property (8/31/10)

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

James Vigilante, Applicant's principal owner

Christina Miseo, Applicant's architect

Nicholas Verderese, PE, Applicant's Traffic Engineer

Mario Ianneli, PE, Applicant's Civil Engineer

9. During the public hearings, the Board also heard the testimony of the following witnesses, which is part of the hearing record:

Harold Maltz, PE, PP, the Board's Traffic Engineer

Robert Griffin, Esq., representing Drakesville

Carol Scheneck, President of Drakesville Property  
Owners Assoc.

10. The development of the subject property as proposed by the Applicant requires relief from the following land use provisions of the Township ordinances:

A design waiver is necessary from Section 13-8.701B3, as the bank drive-thru does not have queuing for ten (10) automobiles per lane. The Board finds that a sufficient number of vehicles can be queued under the current configuration.

A design waiver is necessary from Section 13-8.700D, which requires curbing of the commercial lot. The parking will be curbed with the exception of the parking area behind the office building that services the landscape swale.

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A design waiver is necessary from Section 13-8.703A, as the Applicant does not provide a delivery space for the bank. The Board finds that bank deliveries can be accommodated in traffic aisle or in an available parking space.

A design waiver is necessary from Section 13-8.705B which prohibits trash enclosures located within the front yard (between right-of-way and front principal building wall). A waiver is needed as the office trash enclosure has been relocated within the front yard of the medical office building. The Board has no objection due to an approximate 170 feet distance to the road right-of-way, landscaping, and its substantial setback from residential properties.

A design waiver is necessary from Section 13-8.707G, as the proposed light poles are less than 2 feet from the curb and provided with a 2.5' exposed concrete foundation while the ordinance only allows a 2 or 6 inch exposure dependent on the location. To the greatest extent possible, light poles shall be located/dimensioned a minimum of 2.5 feet from the edge of curb so as to eliminate or limit the number of 2.5 feet exposed concrete light foundations.

A design waiver is needed from Section 13-8.807E, as shade trees have not been provided in the parking end island in the middle of the rear office parking lot and the middle parking end islands at the front and rear office building entrances. The Board has no objection as landscaping is provided in the immediate vicinity.

A design waiver is necessary from Section 13-8.610A, as the proposed sidewalk along Commerce Boulevard is closer than 5.5 feet from the edges of curb. The Board finds that pedestrian safety will not be compromised by this deviation.

A design waiver is necessary from Section 13-8.804B, as street trees along Commerce Boulevard will not be installed between the sidewalk and curb because of the diminished area; locating the street trees on the other side of the sidewalk will make them more viable.

A variance may be necessary from Section 13-8.701, as the zoning table on the cover sheet of the Preliminary Site Plan drawings indicates 295 parking stalls on the Church property, while 297 stalls are required. The Board's engineer has counted 300 stalls on the Church property, which would not require a variance, but this shall be verified by the Applicant. In the event that the variance is required, the Board finds that it is justified because the deviation is minimal.

11. Based on the hearing record, for the reasons stated in Section 10 above, the Board finds that the design waiver and possible variance relief is justified and hereby grants same.

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 preliminary major site plan and minor subdivision approval 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 as set forth in Sections 10 and 11 above.

This approval is subject to the following conditions which shall, unless otherwise stated, be satisfied prior to the Board's signature of the preliminary site plan and the filing of the minor subdivision deeds or plat:

1. The Applicant's Soil Permit application shall address the sequencing of excavation of the medical building basement to the satisfaction of the Board Engineer.

2. The sidewalk along Commerce Boulevard shall be constructed prior to the issuance of a Certificate of Occupancy for the medical building. Authority shall be obtained from the Church for the construction of Commerce Boulevard sidewalk. Sidewalk and handicap ramp shall extend to the Main Street intersection. Mid-block crosswalk signage shall be provided per MUTCD.

3. Revised site plans shall depict a six-foot solid PVC fence extending along the northerly property line across from the parking lot and terminating at the front setback line of the bank building.

4. Revised plans shall note that the boundary of the commercial lot adjoining the Drakesville property shall be posted with signs indicating: "No Trespassing, Private Property."

5. Revised plans shall note that light poles shall be located and/or dimensioned at a minimum of 2.5 feet from the edge of curb, so as to eliminate or limit the number of 2.5-foot exposed concrete light foundations, to the extent feasible.

6. As required by Section 13-7.21A01, the Applicant is providing a minimum 35-foot landscape buffer along the adjoining R-3 District and is utilizing existing and proposed landscaping. Revised plans shall note that additional landscaping shall be required by the Township Planner if he determines that the condition and screening quality of existing vegetation does not satisfy the residential buffer requirements of Section 13-7.21A01. While a note has been provided on the Landscape Plan, it shall also state that it is based upon and subject to further review by the Township Planner.

7. Pursuant to Section 13-7.2202C3, banks with drive-through windows and/or automatic teller machines (ATMs) are a permitted conditional use in the PO/R District provided that a minimum fifty (50) feet landscaped buffer is maintained between any drive-through lane or ATM and the closest residential property line. A 50 feet buffer is provided between the adjoining R-3 zone and bank drive-thru curb. The buffer utilizes some existing vegetation and will have a double row planting of 8 to 10 feet high Norway Spruce and White Pines and be supplemented with 24 to 30" high deciduous shrubs. Revised plans shall note that the

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Township Planner may require additional landscaping once the screening quality of existing vegetation is evaluated. While a note has been provided on the Landscape Plan, it shall also state that it is based upon and subject to further review by the Township Planner.

8. Applicant must depict the location of the relocated sheds and trailers. The sheds and trailers must be either removed or relocated with a valid Zoning Permit if in a conforming location or by variance approval and subsequent Zoning Permit if in a nonconforming location. The removal/relocation of the structures must be completed prior to the filing of the minor subdivision.

9. Subject to review and approval by the Board's Engineer, additional detailing of the Phasing Plan (Sheet 16) shall be provided, along with a narrative.

10. Revised plans shall note that use of basement space is restricted to storage and mechanical equipment, and use of attic space is restricted to HVAC and mechanical equipment.

11. The ATM(s) shall be located on the architectural drawings. Revised plans shall note that ATM hours shall comply with Section 13-7.21A04.

12. Revised plans shall note that sound from drive-thru speakers will comply with Section 13-7.814.

13. Pursuant to Section 13-7.21A02, the Applicant shall comply with Chapter XXI, "Noise Control" of the Revised General Ordinances of the Township.

14. Pursuant to Section 7.810B, no more than one principal use or building may be erected on a lot except for an integrated complex of functionally related, compatible buildings serving one comprehensive operation under the control of one management entity, which shall be responsible for maintenance of all common facilities and limited to a shopping center development and planned development. A copy of the proposed master deed and/or other documents addressing management of the site and maintenance responsibilities shall be provided for review and approval by the Board Attorney.

15. Applicant proposes water and sewer connections to lines located on the Church property. Approval of the service route and details shall be subject to review and approval by the Township Engineer and Roxbury Water Company. Roxbury Water Company has preliminarily indicated that an extension of the water line up Commerce Boulevard is preferred.

16. Sanitary sewer lines on the commercial and Church properties shall be privately owned and maintained, as noted on Sheet 1.

17. As applicable, utility and drainage easements for lines on the Church property shall be provided for review and approval by the Board's Attorney and easement lines depicted on the drawings.

18. Pursuant to Section 13-8.500A, all utilities shall be installed underground.

19. Aerators shall be specified for the retention basin (Section 13-8.808H) and details provided. Electric service box shall be located and screened with landscaping.

20. Retaining wall details shall be provided on the drawings and design calculations submitted for review and approval by the Township Engineer (Section 13-8.809L). Manufacturer's color catalog cuts of the retaining walls shall also be provided.

21. Retaining wall color shall complement the buildings.

22. Office construction trailer and wood utility pole with floodlights by the old rectory shall be removed.

23. For the decorative fence detail on Sheet 13, provide color manufacturer's catalog cuts.

24. Fence details shall be consistent and a detail provided for the white PVC fence. The "Typical Section-Modular Concrete Unit Retaining Wall" detail on Sheet 17 shall specify the black decorative fence instead of chain link fence. The Chain Link Fence detail shall specify black vinyl clad posts, rails and mesh. The reproduced photo of a wire fence located above the Decorative Fence detail on Sheet 13 shall be removed as it is inconsistent with the decorative fence.

25. The proposed timber guide rail shall be reviewed and approved by the Board Engineer.

26. Benches and decorative trash receptacles and ash urns shall be provided for both buildings in accordance with Section 13-8.810.

27. Decorative pavers shall be provided at side building entrances. Pavers located at building entrances shall be labeled and a construction detail provided.

28. A detail of the decorative seating area located by the Commerce Boulevard retention basin shall be submitted. Provide details including wall, railing, pavers, benches with matching trash containers/ash urn, etc.

29. For the relocated fence associated with the Church, provide fence detail and note that all posts, rails, and mesh are black vinyl clad.

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30. Revised drawings shall note that the Applicant will comply with Section 13-7.812 regarding communication antennas/satellite dish antennas. Note #38 on the Site Plan shall also specify the office/bank lot.
31. All debris will be removed from the commercial lot prior to the issuance of a certificate of occupancy.
32. Approvals are required from the Morris County Planning Board and the Morris County Soil Conservation District.
33. Applicant shall obtain sewer capacity allocation authorization from the Governing Body (Section 13-8.501E).
34. Nine (9) parking spaces across from Lot 17 will be banked for future use. The number of spaces shall be identified on the drawings and shown in accordance with Section 13-8.701E.
35. A minimum 9' wide curbed planting island located adjacent to the southernmost office trash enclosure shall be provided along with a 2½ to 3" caliper shade tree in accordance with Section 13-8.702N.
36. A detail of hairpin parking stall striping shall be provided.
37. Damaged curb along Main Street and Commerce Boulevard as well as damaged sidewalk along Main Street shall be repaired as directed by the Township Engineer.
38. Curb type shall be specified on Sheet 3. Ordinance requires granite block curb when located adjacent to lawn and landscape areas. Concrete curb is permitted along sidewalks at the discretion of the Applicant. Notes on Sheet 3 shall be clarified.
39. Revised plans shall note that all off-street parking areas shall be used exclusively for parking of automobiles. No commercial repair work or sale of any kind shall be conducted in any parking area (Section 13-8.702S).
40. "Drop-off/ Pick-up" or "Deliveries" pavement markings shall be provided if free-standing signage is not provided.
41. Trash enclosure detail labeling shall be consistent on Sheet 15. Details shall include brick veneer to match the office building and a precast stone cap with a 1" overlap of the wall.
42. A color rendering of both buildings shall be provided.
43. Two Left Side Elevations of the medical building have been provided in error. A Right Side Elevation shall be provided.
44. ATM(s) shall be located on the architectural drawing and the floor plan further detailed.
45. If exterior pick-up of lab tests is required, then such an area shall be integrated within the building design and located in the vicinity of the delivery area and/or building entrances. Applicant will place such language in the Condominium Association documents.
46. Any proposed decorative walls lights and drive-thru wall lights shall be depicted on the architectural elevations.
47. Further enhancement of the bank's northwest building elevation by the addition of a window shall be provided as it faces Commerce Boulevard. As an alternative, the Applicant may utilize a dormer.
48. Pursuant to Section 13-8.706A, rooftop mechanical equipment shall be architecturally screened in a manner compatible with building architecture. The architectural drawings note that all HVAC and mechanical equipment will be enclosed in the roof area.
49. Color manufacturer's catalog cuts shall be provided for any decorative wall lights proposed on the buildings.
50. Details of any proposed security wall lights shall be provided.
51. Any proposal for wall signs on the office and bank buildings shall be provided on the architectural drawings and dimensioned with colors identified.
52. A dimensioned cross section of the freestanding sign shall be provided. The maximum distance between the faces of a double faced sign shall not exceed eighteen inches.
53. The sign elevation shall complement the design of the buildings. Label all materials and colors.
54. The method of illuminating the freestanding sign shall be addressed on the lighting and architectural drawings.

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55. Landscaping shall be provided along the base of the freestanding sign as required by ordinance. Planting shall include some low growing evergreens and perennials. Individual plants shall be identified.
56. Color manufacturer's catalog cuts shall be provided for the proposed freestanding and wall mounted lights.
57. The lighting plan shall specifically identify where the 2'-6" exposed concrete light foundations are proposed.
58. On Sheet 7, the lighting fixture mounting height is specified at 18 feet while the light detail on Sheet 12 specifies 15 feet. This discrepancy shall be clarified. In accordance with Section 13-8.707E, mounting height cannot exceed 18 feet, including concrete base.
59. Location of the bank 'SWS' wall mounted front entry fixture shall be verified as it doesn't take into account the front canopy and canopy lights.
60. The bank front entrance canopy lights and drive-thru canopy lights shall be located and details provided.
61. Pursuant to Section 13-8.707D, the canopy light lens shall be flush with the canopy ceiling. Provide note on drawing.
62. The light fixture detail on Sheet 12 shall be specified with a base plate cover.
63. Lights located across from residential Lot 17 shall be relocated closer to the traffic aisle to minimize light impact to the residence.
64. Based upon the preliminary tree removal calculations, a total of 231 replacement trees are required (93 for specimen trees and 138 for trees 6" to 24" diameter). At this time, the Applicant proposes the installation of 202 on-site replacement trees (excluding 13 street trees). Additional on-site replacement trees shall be specified, or a monetary contribution provided for those trees that cannot be installed on the property. Replacement tree requirements are subject to change based upon a revised landscape plan, a revised tree removal assessment, and the exclusion of street trees qualifying for replacement trees.
65. Street trees as required by ordinance cannot be counted as replacement trees. The 13 street trees located along Commerce Boulevard should not be classified as replacement trees.
66. Increasing the height of PAB, PM, PO and PS to a 7-8 feet height will qualify the evergreens as replacement trees.
67. Trees of a 24" caliper or greater on the Tree Removal Plan, located at the perimeter of the site that are intended to remain, shall be noted accordingly.
68. The 30' caliper Oak located in the center of the previously proposed driveway connecting the development to the Church property shall be noted to remain.
69. Any monetary contribution in lieu of replacement trees shall be in accordance with Section 13-11.106G.
70. The posting of a performance bond for on-site tree replacement and payment of the monetary contribution for tree replacement, are required prior to the issuance of a tree removal permit.
71. Fencing for tree protection shall be erected along the limit of disturbance line prior to tree removal. The Township Engineer can modify the fencing if such a modification will feasibly preserve additional existing trees. The grading and soil erosion and sediment control plans shall be noted accordingly.
72. Pursuant to Section 13-11.13c, a performance guarantee shall be submitted in an amount not to exceed 120% of the cost of replacement trees prior to the issuance of a Tree Removal Permit.
73. Stump removal is prohibited until a Soil Moving Permit is issued.
74. Additional evergreen trees shall be provided in the buffer area across from Lots 16 and 17.
75. 'RHR' shall be increased to a 24" height to comply with Section 13-8.807A.
76. Additional shade trees (replacement trees) shall be provided across from the front office building elevation, along the retention basin.
77. Three additional shade trees (replacement trees) shall be provided in the vicinity of the parking lot to comply with Section 13-8.807D, and at least one shade tree (replacement tree) in the decorative plaza area to comply with Section 13-8.807F.
78. The view of drainage structures such as headwalls, outlet structures, culverts, etc., shall be softened with wet-site tolerant plants (Section 13-8.08D).

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79. A detail of the decorative seating area located by the Commerce Boulevard retention basin shall be submitted. Provide details including wall, railing, pavers, benches with matching trash containers/ash urn, etc.
80. A minimum 9' wide curbed planting island located adjacent to the southernmost office trash enclosure shall be provided along with a 2½ to 3" caliper shade tree in accordance with Section 13-8.702N.
81. Landscaping shall be provided along the base of the freestanding sign as required by ordinance.
82. Clarify: eight 'PSR' are labeled on the Landscape Plan but not identified on the Plant List.
83. The quantity of 'AROG' shall be verified.
84. The labeling/graphic distinction between PIAB/PIAB-1, PM/PM-1, PO/PO-1 and PS/PS-1 shall be clearer.
85. Some additional plant types shall be introduced to the 'HR' planting. A detail should be provided for the 'JPN/HSD' planting along Retention Basin 'A.'
86. 'CCL' will likely overgrow the transformer. An alternate evergreen shall be substituted.
87. A low (18") black decorative fence along the Commerce Boulevard side of the retention basin shall be provided to reduce use of the pond by geese.
88. The landscape plan or landscape detail sheet should note that "The view of utility areas, mechanical equipment, transformers and meters shall be screened from adjoining lots and street lines with landscaping. Open access to the equipment shall be maintained" (Section 13-8.807K).
89. Mechanical equipment, transformers and meters shall be located and labeled on the landscape plan. Locating these structures within the front yards shall be avoided.
90. The landscape plan shall accommodate areas for plowed snow.
91. Sight triangles shall be depicted on the landscape plan. Landscaping within the sight triangles shall not exceed a mature height of 30 inches (Section 13-8.803F).
92. The landscape plan shall note that all plant materials, planting practices and specifications shall be in accordance with the "American Standard for Nursery Stock: promulgated by the American Association of Nurserymen Standards. (Section 13-8.802E). Trees shall be nursery-grown, free of disease, substantially uniform in size and shape and have straight trunks" (Section 13-8.805A).
93. A minimum of six (6) inches of topsoil cover shall be specified for all disturbed areas. (Section 13-8.803A)
94. Decorative planted pots at the office building entrances shall be provided.
95. Proposed lawn shall be specified as sod and irrigated.
96. Landscape irrigation shall be provided (Section 13-8.805C).
97. Individual plants shall be located and plant type identified within the proposed office parking lot landscape swale, shrub beds and perennial plantings.
98. The Applicant shall verify that deer tolerant shrubs have been utilized, to the extent feasible.
99. The Township Planner shall be contacted for additional landscape comments prior to revisions.
100. A revised landscape plan will be submitted and subject to the review and approval of the Township Planner.
101. The date of the minor subdivision plat should be added to the sheet index. The Applicant should confirm that the 7/29/2008 plan is the current proposal.
102. The proposed grading plan shows raising most of the site. Earthwork calculations shall be provided in support of the soil movement permit application.
103. The lighting in the vicinity of the bank does not seem to account for the under canopy lighting, which is generally very intense. This shall be added to the plan.
104. The security lighting shall be shown on the site plan. The hours of illumination of the site shall be identified.
105. A building height calculation shall be provided for the proposed medical/office building.



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106. Sheet 2 – Existing Conditions Plan - This plan needs to be signed by a licensed surveyor or a reference to the latest survey needs to be added to the plan a copy of the survey provided.

107. Sheet 3 – Site Layout and Dimensional Control/Circulation Plan:

1. Prior to the issuance of a building permit, the Construction Department shall approve the location of the barrier free spaces as well as access to the building from the barrier free spaces.

2. As per section 13-8.808.H. the plan shall be revised to show a water aerator retention basin A. Calculations for sizing of the aerator shall also be provided.

108. Sheet 5 – Utility Plan:

1. A right to discharge to the existing stormwater system across remaining lot 1.01 should be included as part of the subdivision.

2. All fire hydrant locations and Siamese connections should be approved by the fire official.

109. Sheet 8 – Waterline & Sanitary Sewer Profiles (formerly Storm Sewer & Curb Return Profiles) - The sheet title has been changed for sheet 8 and appears to be incorrect.

110. Sheet 14-15 and 17 – Construction Details:

1. All walls in excess of 4' in height require structural calculations and complete details prior to construction.

2. All utility details are to be approved by the Township Engineer.

3. Additional details are required for the accessible ramps in the Commerce Boulevard right of way to demonstrate compliance with PROWAG standards.

4. The stop sign detail must be revised to show 7 feet clear (not maximum) between the bottom of the sign and finish grade.

111. Drainage Analysis:

A. The transmittal letter indicates that additional inspections of the soils conditions will be required before construction. These tests are to confirm groundwater elevations and other conditions. These shall be completed prior to site disturbance except for that necessary for the soil testing.

B. The soil analysis within the report describes a perched groundwater condition above a restrictive (firm) horizon, with the seasonal groundwater table located below this horizon, within Test pits # 11 and # 12. The Applicant's engineer shall provide documentation that the groundwater condition is not artesian. Test pit #12 indicates an 8" separation between the bottom of the hydraulically restrictive horizon (36") and the highest indication of groundwater (44"). Under NJDEP standards, since this distance is less than 12", the presumption is that the groundwater is artesian.

C. The tables on the drainage area maps depict the areas associated with the prior stormwater report. The table shall be updated to reflect the current analysis.

D. The drainage report indicates that soil testing was conducted in March 2008, and utilized the tube permeameter test to determine soil permeability. Appendix E of the NJDEP BMP Manual, dated September 2009, page E-20 warns that when the texture of the soil to be tested is sand or loamy sand and lack soil cohesion, ... prevent the taking of undisturbed samples, the tube permeameter test shall not be used. The onsite soils tested within test pits 1-3, 6 and 7, 9, 11 and 12 consisted of either sand or loamy sand. The engineer has indicated that additional permeability testing will be completed. As noted above, this shall be completed prior to site disturbance.

E. The soil horizons from the test pits shall be shown to scale next to the infiltration basin and retention basin cross sections to adequately review the relationship between the soil horizons and the basins.

F. An As-Built of the storm water management system is required. The design engineer shall verify the volumes utilized within the infiltration basin and retention pond analysis.

G. The emergency spillway analysis for the infiltration basin utilized a 25' width at invert 727.50. It appears that the 25' width is the top width of the spillway. The calculations shall account for grading the ends of the spillway unless a vertical wall is proposed. The emergency spillway for the retention basin shall be outside of the right of way. It appears that the full width of the spillway will not be achieved at the design invert (invert 725.93) since the top of curb elevation (726.06/.07) along Commerce Boulevard is higher than the spillway elevation.

H. Inlet/outlet control calculations for the two basin outfall pipe runs shall be included in the analysis. The routings assume free outflow conditions for both control structures.

I. The existing storm sewer system upstream of the existing retention pond on the church lot shall be analyzed since the two proposed basins discharge into it.

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J. The bottom of the retention basin is below the invert of the storm sewer that it connects into. This will preclude being able to drain the basin and clean out any accumulated sediment without pumping the basin. This shall be included in the operations and maintenance manual.

K. A separate Operations and Maintenance Manual shall be provided. The O&M manual shall be prepared after the additional soil testing listed above and before site work begins.

L. It is unclear how the surface area used in the volume calculations can increase above the area of the 724 contour for proposed contour elevations 725 and 726 within the retention basin, since a wall is being constructed around the perimeter of the basin. Additional information is required.

M. The slope at the bottom of the retention basin scales at 1:1 between the basin floor and the lowest safety ledge (1.5' high). It is recommended that it be flattened to 3:1 maximum.

N. It appears that a portion of drainage area PD-2 is tributary to UD-1 based on the grading depicted.

O. Drainage area POS-PR2 was modeled with a CN of 70 in the calculations whereas the area breakdown depicted on the drainage area map indicates a CN of 71 should have been used.

P. Within the proposed conditions Tc calculations, the pipe flow segments were analyzed as shallow concentrated. It is unclear how the pipe velocities were calculated within the segments.

Q. Proposed drainage area UD-1-Perv includes the travel time associated with the pipe flow to the analysis point. The travel time is actually a lag time and should be excluded from the Tc calculation.

R. The summary hydrograph (page 112) indicates different 100 year peak volumes and rates for PD-1 out (listed on page 224) and for PD-2. Clarification is required.

S. Clarification is required regarding the retention pond. The inflow volume does not equal the out flow volume (pages 231-234). It is unclear if the initial volume should be set at zero (2.061 acre-feet corresponds to volume below the permanent pool).

T. Proposed drainage area UD-3 appears to be tributary to POS# 2 verses POS #1. The comparison calculations should be revised.

U. The 2 year Tc for drainage area UD-1 Perv used in the quantity calculations is different than what was under within the ground water recharge calculations. Revise as necessary.

V. Clarification is required on PD-1 Out and PD-2 Out. The time vs. peak elevation does not appear to correspond to the peak elevations within the two basins.

W. Provide drain time calculations for the retention basin.

X. The area listed within the NPSP spreadsheet do not match the drainage areas used for the quantity analysis. They shall be consistent.

Y. The emergency spillway analysis accounts for infiltration within the infiltration basin. The spillway needs to be routed excluding infiltration.

Z. It appears that the flowrate from MH#13 to Manhole #15 exceeds the pipe capacity. The flow from the infiltration basin outflow and HW#14 needs to be accounted for.

AA. Correct the pipe slope from FES#6 to DI# 3 (0.5% vs. 0.05%).

BB. Provide spot grades at the river stone swales to confirm the design parameters. It does not appear that the 2% design slope and the 1.2' to 1.8' design depths will be achieved based on the parking lot grades.

### 112. Minor Subdivision Plat

A. The proposed side yard setback dimension for the existing structures shall be shown on the plat.

B. All proposed easements (access, utility, etc.) need to be shown on the minor subdivision plat.

C. Deed descriptions and lot closure calculations need to be provided for review.

D. Deeds shall be subject to the review of the Board Attorney.

E. The existing shed that straddles the new lot line should be shown to be relocated as part of the minor subdivision.

113. At the bank pad site, the 'Do Not Enter' signs located near the end of the one-way counter-clockwise circulation aisle just before the double loaded parking area shall be moved up further around the corner curve, closer to the handicapped space for better visibility to approaching drivers in the two-way aisle segment.

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114. At the bank site, the one-way pavement on the west (Commerce Blvd) side of the bank has been reduced from 24' to 20'. While the pavement width adjustment is acceptable, the pavement was flared at the end of the one-way section to 24 feet wide, where it meets the two-way aisle. The pavement width reduction in the one-way aisle segment shall be carried through to the area of the handicapped parking spaces. The site plan shall be revised accordingly.

115. A 'Stop' sign with accompanying stop line shall be placed on the bank's two-way aisle approach to the bank site's entrance drive. This sign and stop line shall be shown on the site plans.

116. The site plans shall be revised to incorporate the required sight lines at the access drive intersections with Commerce Blvd., and sight line profiles shall be provided.

117. For the striped bypass lane at the bank pad, signage shall be added identifying it as a bypass lane on the site plans.

118. Warning signs with supplemental distance sign panels to be posted in advance of the site driveway intersections facing southbound drivers along Commerce Blvd. shall be shown on the site plans. These signs shall be added to the site plans at the appropriate locations, according to MUTCD guidelines.

119. Sheet 1 of 16 – Existing Conditions Plan. The plans shall be revised to show all existing sanitary sewer cleanouts on the laterals from the school and 2-story masonry building.

120. Sheet 5 of 16 – Utility Plan:

1. The 6' sanitary sewer lateral from Building 1 and Building 2 is shown to connect to the existing private sewer lateral serving the church. In accordance with Township General Ordinance Section 12-5.4, a separate building sewer is required for each lot under separate ownership. Therefore, this sewer lateral shall connect directly to the sanitary sewer main located in the existing utility easement on Lot 10 by the installation of a precast doghouse manhole. The Township will permit this manhole to be an exterior drop manhole. A detail for the doghouse manhole shall be provided on Sheet 14 – Construction Details. An easement from Lot 1.01 shall be provided for this sanitary sewer lateral connection from Lot 1.02 crossing Lot 1.01.

2. The Township Sewer Utility has advised that there is a history of sewer backups regarding the sewer laterals from the school building. Investigations of the sewer main and laterals determined that the lateral originating from the far corner of the school building is structurally deficient in terms of evident sags and restrictions in the line. The sewer main at this point of connection is in good condition with no sags or accumulations evident. The lateral originating from the school building at the kitchen is in good condition. However, there is a sag in the sewer main at this point of connection. This sag in the sewer main allows for the accumulation of grease and soap on the upper portion of the main line from upstream sources which impedes the flow from the kitchen lateral into the main line. The Township has determined that approximately 50 feet of this existing sewer main is sagging and shall be replaced in order to prevent future blockages within this section of sewer main. Therefore, in order to address long standing maintenance issues regarding the sewer lateral and main, the following improvements are required for this project:

a. The replacement of approximately 50 feet of the existing 8" diameter sanitary sewer main located within the utility easements on Lots 9 and 10 to eliminate the sag.

b. The installation of a sampling manhole and grease trap on the existing sanitary sewer lateral from the school kitchen.

121. Sheet 9 of 16 – Waterline and Sanitary Sewer Profiles:

1. The vertical scale for the profiles shall be provided on the plan.

2. Building Connection – San MH#2. A pipe crossing support shall be provided for the 15' RCP storm crossings at Sta. 0+50 and 0+58 due to the minimal clearance between the storm sewer pipe and sanitary sewer lateral.

122. Sheet 14 of 16 – Construction Details:

1. Precast Concrete Sanitary Manhole Detail. The flexible manhole sleeve with 2 stainless steel straps shall be revised to indicate the sleeve as a watertight flexible manhole sleeve.

2. Pipe Crossing Detail. A note shall be provided on the plan specifying a maximum pipe spacing requiring a pipe crossing.

3. A sanitary sewer lateral detail shall be provided on the plans. The detail shall include a note stating sanitary sewer cleanouts located in paved areas shall be provided with a cast iron frame and cover with the word "SEWER" inscribed on the cover.

123. The newly installed fire hydrants shall have a 5-inch front storz connection.

124. The fire zone no parking areas shall have the appropriate yellow painted pavement as well as the necessary signage installed. These areas shall be enforceable under the NJ Uniform Fire Code as well as Title #39, if required by the Township Police Department.

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125. A detail of the Fire Zone No Parking signs acceptable to the Fire Official shall be provided.
126. Building #1 contains an automatic fire sprinkler system and the fire department connection location for which there shall be a sign posted over top of the connection identifying the same on the building. There shall also be included yellow pavement painting in this area to designate the fire department connection.
127. There shall be a Knox box key location installed to allow after hour fire department emergency access. This application shall be obtained from the fire prevention bureau prior to occupancy, as well as prior to location of said box and installation.
128. The two "Do Not Enter" signs at the bank site shall be moved up further around the corner curve, closer to the handicapped space for better visibility to approaching drivers in the two-way aisle segment.
129. The pavement width reduction from 24' to 20' in the one-way pavement on the west (Commerce Blvd) side of the bank shall be carried through to the area of the handicapped parking spaces.
130. Revised plans shall show a Stop sign with accompanying stop line at the bank's two-way aisle approach to its entrance drive.
131. Revised plans shall show sight lines and profiles at access drive intersections with Commerce Blvd.
132. Signage shall be provided identifying the bank bypass lane.
133. Warning signs with supplemental site distance sign panels in advance of the driveway intersections facing southbound drivers along Commerce Blvd shall be added to the plans at appropriate locations according to MUTCD guidelines.
134. Revised plans shall show all existing sanitary sewer cleanouts on the laterals from the school and two-storey masonry building.
135. The sewer lateral shall connect directly to the sewer main located in the existing utility easement on Lot 10 by the installation of a precast doghouse manhole, for which a detail shall be provided on Sheet 14 - Construction Details. An easement from Lot 1.01 shall be provided for this sanitary sewer lateral connection from Lot 1.02 across Lot 1.01.
136. Revised plans shall note that an approximately 50-foot section of the existing 8" sewer main within the utility easements on Lots 9 and 10 shall be replaced to eliminate the sag. A sampling manhole and grease trap shall be installed on the existing sewer line from the school building.
137. Additional information shall be provided, to the satisfaction of the Township Engineer, on the "Concrete Chamber Water Utility" shown near the westerly property line of proposed Lot 1.02.
138. An easement for Lot 1.02 shall be provided for the drainage system for Lot 1.01 crossing Lot 1.02.
139. Revised plans shall note that all sanitary sewer laterals serving Lots 1.01 and 1.02 are private laterals to be owned and maintained by the property owners.
140. The vertical scale for waterline and sewer profiles shall be provided on the plan.
141. On Sheet 9, San MH#2, a pipe crossing support shall be provided for the 15" RCP storm crossing at Sta. 0+50 and 0+58 due to minimal clearance between the storm sewer pipe and sanitary sewer lateral.
142. The following Construction Details shall be provided on Sheet 14:
- A. Precast Concrete Sanitary Manhole Detail. The flexible manhole sleeve with 2 stainless steel straps shall be revised to indicate a watertight flexible manhole sleeve.
  - B. Pipe Crossing Detail. A note shall be provided specifying a maximum pipe spacing requiring a pipe crossing.
  - C. Sanitary Sewer Lateral Detail. The detail shall include a note stating that sanitary sewer cleanouts located in paved areas shall be provided with a cast iron frame and cover with the word "SEWER" inscribed on the cover.
143. Minor subdivision deeds or plat shall be reviewed and approved by the Board's Attorney and Engineer prior to filing. Deeds/Plat shall include the following recital: "Pursuant to N.J.S.A. 40:55D-47, the minor subdivision referred to in the within Deed/Plat was approved by the Roxbury Township Planning Board on [date] and memorialized by Resolution on [date]."
144. 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

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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 Commerce Boulevard.
- 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 Commerce Boulevard.
- 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.

145. Prior to disturbance of the subject property, the Applicant shall comply, to the extent applicable, with the provisions of Ordinance Chapter XVII, "Soil Removal and Soil Relocation."

146. Prior to final site plan approval, the 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 final site plan approval.

147. 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.

148. Applicant shall source separate and recycle all mandated material as required by the Municipal Recycling Ordinance and the Morris County Solid Waste Management Plan both during construction and for the duration of occupancy.

149. In the event that future additional dumpster enclosures are needed for the site, then upon the approval of the Zoning Officer, they shall be constructed.

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

151. 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.

152. 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.

153. 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 16, 2012.

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Eugenia Wiss, Secretary

Motioned by Mr. Rilee and seconded by Mr. Meyers to approve.

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

Noes: None

Mr. Rilee wanted to be sure the sidewalk approval was consistent with information given to the State.

**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 from the May 16, 2012 meeting with no further notice. The application was carried to the July 18<sup>th</sup> meeting with no further notice at the request of the applicant.

**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 from the May 16, 2012 meeting with no further notice.

Steve Tombalakian, Esq., attorney for the applicant, recounted that the last testimony was April 4<sup>th</sup> and the application was carried month to month to resolve the design for the drainage to the satisfaction of the Township, Boston Market, themselves and the Mall. They are still working on it with Mr. Ferriero. They will address design issues tonight. Chuck Dietz, the retail architect, will go over the building designs and show photos of the Denville Burger King.

The Board was concerned that the drainage issue has not been straightened out after two years, the legal issues were not resolved and that the project had been degraded.

The legal issues with Boston Market have been signed off provided that the drainage works and they don't construct on the Boston Market property or interfere with their operations. They have an open issue with the Roxbury Mall but the access from the Mall has been eliminated. The drainage is a complicated issue.

Architect Charles Dietz was sworn in and had been previously qualified. He showed an updated architectural rendering with the new Burger King and retail building, Exhibit AA-8. He designed the retail building. The big change was that the Burger King had a new look but there was no change in the retail design from last year. A-1 & A-2 were their floor plan and retail elevations and they had not updated their previous submissions. They will comply with the 2010 resolution conditions.

Exhibit AA-9 was the dusk view of Denville Burger King and Exhibit AA-10 was the night time view of Burger King. It showed an internally illuminated red coping, originally it was non-illuminated. The tower element for the new Burger King was different than was previously approved, some of the tile and metal were eliminated, brushed aluminum shed awnings are proposed over the windows, the masonry was still the same and would be incorporated into the retail building.

The Board had previously approved two disk signs and “home of the whopper” sign; the “have it your way” sign was removed.

The Burger King architect, John Schumm, was sworn in and qualified. The parapet lights go out when the building is closed. The band is externally illuminated by LED lights along the bottom. The red band is not in the rear of the building.

In the previous 2010 approval the buildings were more compatible. The Burger King now seems to have more of a side elevation than a front elevation, the red tile accent feature and cable canopies were gone also. Burger King Corporate wanted the changes and wanted the illuminated red band, not the maroon band that was previously approved that tied into the other building. The design needed improvement, the side view that faces Route 10 is not as good. Burger King now needs bigger kitchens because they have enlarged their menu. They are willing to show samples to Mr. Stern of tile, etc. when building permits are applied for. The original building was 800-900 sf smaller and the new building was squared off. The site is tight so they might need to reduce the size of the retail building. The applicant agreed to bring back the “cool factor” to the front of the Burger King and they will do some site changes to accommodate that if needed.

Bill Page, Engineer for the applicant, was still under oath and discussed the drainage issues. He referenced page C4.0, the grading plan, of the site plans revised 6/12/12 that the Board had received tonight. They are still working out drainage issues with the engineer for Boston Market and Mr. Ferriero. They have done additional borings to determine the high water level and as a result have raised the detention basin and it is now a closed pipe system. The topographic survey of the property was off 2' in elevation which caused some additional grading problems. A 2' retaining wall was added to the back of the parking lot. At Route 10 they are at grade but the parking lot slowly rises to the back of the site. The discharge for the basin is in the back of their property where the existing Burger King is and the wetland area. Mr. Page explained the grades.

Drawing C-3.0, proposed site plan revised 4/18/12, showed the angled parking. They expanded the distance to the curbing and as a result the 4' island was reduced to 3' to get proper distance for the angled parking. They are still working out the drainage.

Mr. Stern said the parking stall dimension meets code but there is a reduced setback between the angled parking and the Boston Market parking lot. The island was originally 5', now it is 3' which will have an impact, it's too narrow and needs some green. They need to reduce the size of the retail building. This was a tight site when it was approved in 2010 and it now has gone in the opposite direction.

There were modifications to the internal traffic flow after the last hearing that they incorporated.

The new application reduced some of the positives; the application will bring some of those features back that the Board liked. They appreciated the feedback as to what the Board considered important and the drainage needs to work.

Mr. Ferriero explained that the original proposal was an underground detention infiltration system but the ground water and the permeability won't lend themselves to that system. The system needs to be raised and also the site. It is a difficult drainage site, back of the pink house property is low and fills with water. It will be filled in under

the proposed stem, 7' in the back of the sight. This creates a situation where a water storage area doesn't exist anymore. Where is water going to go? This needs to be resolved. They will require easements from the mall to tie into the drainage there. An area that is a de facto detention basin was going to be removed. Dealing with the runoff from this site is easy but there is other water draining onto the property.

They need to work out a lot of things before the next meeting. The Board would like everything ready and final for the next meeting with the drainage fully resolved. The applicant wanted a five minute break.

The meeting was back in session at 8:47 p.m. Mr. Tombalakian said they will put the pretty features back into the Burger King, shift the building to make it work and reduce the size of retail building to make the parking design better. They might redesign the retail building because it is smaller. They got some feed back for a pump system from the Boston Market engineer that might eliminate some of the drainage issues. They would like to be carried to July 18, 2012 and revised plans will be submitted 10 days before. The plans will not as polished as they would like, but would effectively satisfy the Board and be approvable. The Burger King building is paramount along with drainage, the retail building is secondary.

The plans must be in by July 9<sup>th</sup> with copies submitted directly to Mr. Ferriero and Mr. Germinario and to the other parties involved. They understand they can't get an approval based on the easement possibility with the Mall.

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

The application was carried to 7/18/12. The applicant kept the exhibits.

**OLD BUSINESS:**  
**NEW BUSINESS:**

2011 Annual Zoning Report. The Township needs to revisit the number and type of accessory structures on properties, i.e. outdoor kitchens, fireplaces, sheds for pool equipment. Chicken coops are excluded.

Motion to adjourn the meeting was made at 8:54 p.m.

FOR THE PLANNING BOARD  
TOWNSHIP OF ROXBURY

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Eugenia Wiss, Secretary