

TOWN OF NEWTON
PLANNING BOARD
MAY 17, 2017
MINUTES

The regular meeting of the Newton Planning Board took place on the above date. Chairman Le Frois read the Open Public Meetings Act and requested Mrs. Citterbart to call the roll. Mrs. Citterbart stated there was a quorum.

THE SUNSHINE STATEMENT: Was read.

OATH OF OFFICE:

None

SALUTE TO THE FLAG: Was recited.

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Marion, Mr. Russo, Mrs. Diglio, Mr. Levante, Mr. Butterfield, Mr. Majewski, Mr. Wink, Mr. Le Frois

Excused: Mrs. Larsen

Professionals present: David H. Soloway, Esq. of Vogel, Chait, Collins & Schneider; Mika Apte of J. Caldwell & Associates; David Simmons of Harold E. Pellow & Associates

CONSIDERATION OF MINUTES

April 19, 2017

A motion was made by Mr. Marion and seconded by Mr. Flaherty to approve the April 19, 2017 meeting minutes with two corrections; Mr. Levante excused himself at 7:15 pm after the discussion by David Simmons on pages 12-13 and a brief overview of correspondence 2017 and the clarification of page 3, 3rd paragraph.

AYE: Mr. Flaherty, Mr. Marion, Mr. Majewski, Mr. Butterfield, Mr. Wink, Mr. Le Frois

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

**John & Angela Kweselait (#SPV-03-2017)
Block: 5.05, Lot: 19
62 Water Street**

This resolution grants a use variance, bulk variance and preliminary and final site plan approval to permit a custom wood manufacturing use at this property.

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A motion was made by Mr. Marion and seconded by Mr. Majewski to approve the resolution.

AYE: Mr. Flaherty, Mr. Marion, Mr. Majewski, Mr. Butterfield, Mr. Wink, Mr. Le Frois

The resolution was approved.

OLD BUSINESS

None

COURTESY REVIEW

Merriam Avenue School – Additions and Alterations
NJDOE Project No. 3590-070-17-1000
Block 17.03, Lots 12 & 13
81 Merriam Avenue

Mr. Soloway stated: This is not before the Board as an application to be approved or denied. The school is immune to the Zoning Ordinance except for use restrictions. There is a provision under the Municipal Land Use Law that requires any local government agency whenever they are undertaking a project with the expenditure of public funds to appear before this Board and give an informal presentation and discussion. The Board's obligation is to make a determination as to whether or not it is consistent with the Master Plan and the Board is free to make any other recommendations that it might see fit after it hears about what is being proposed. There is no vote and no conditions.

Donna Snyder stated: I am the School Business Administrator for Newton Board of Education. I am also a Newton High School graduate. I would like to thank you for having us here tonight. Stella Dunn will explain the historical part of how we got here. I would like to thank Mr. Levante as he has spent hours at our Board meeting and has given up so much of his personal time. Dr. Greene sends his apologies but he sits on the State Board and he has been active in fighting for adequate State funding for our Town. He is in Atlantic City for a convention regarding this. Others who will be speaking tonight are Mike Wozny the architect, Robert Walsh the engineer and Joe Landkirt who is the new Director of Facilities.

Stella Dunn stated: The Newton Board of Education started looking at the district facility needs back in 2010. At that time the district had a significant amount of discussions about the facilities and how they can be approved in the most efficient manner. At that time they hired EI Associates to take a close look at each building. They came back to us with a 110 page report in 2011. The Board used that report to do upgrades and general enhancements whenever possible in the buildings. In 2015 we noticed a significant increase in enrollment in the lower grades which caused us to look at our facilities again. In September of 2014 we moved the 5th grade from Merriam Avenue School to Halsted. We had other options with our architect at that time who was Brett Sonjen. He did a smaller scale study at Merriam and Halsted. We decided that the most efficient and cost effective way to handle the enrollment changes was to move the grade up to Halsted. At that time we decided to take another in depth look at what we were going to do for the next 10 to 15 years at our buildings. We had completed a number of projects and given the enrollment issues we decided to get the public involved in what we were doing. We posted an online survey and advertised via social media and other outlets. We had

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the survey open for six weeks. We received 75 responses. Sixty percent were from staff, 23% were from parents and the rest were from neighbors and students in the community. From the survey responses we formed a stakeholders group. We had a couple of meetings with the stakeholders and we took all of the things they said were wrong with the buildings and enrollment and changes that needed to be made and we went back to our architect. We asked our new architect, El Associates, to give us options of what we could do. Some of the options we looked at were to build a new building on the West End Avenue property. It didn't fit into our budget or taxability. Some of the other options included moving the 8th grade up to the high school. But then we looked at issues that we had at the Halsted building and we realized it wasn't feasible for us to continue to pour money into Halsted. It was a \$17M bill to repair it. We decided the best option was to add on to Merriam Avenue. We are one of the only districts in the County that has increasing or steady enrollment and we've sustained it for five years or more. We really feel that this is what we need to do. So El Associates came up with this plan we have presented to you today. We feel it is the best option for our students and the community as a whole.

Michael Wozny, Director of Projects at El Associates, reviewed a site plan that was distributed to the Board except that this one is in color. The brown shaded area is the existing footprint of the Merriam Avenue School. The gray area represents a large addition and a separate small addition. Both are two-stories. They are a total of 36,000 square feet. This shows the access road from the existing parking drop-off and pick-up area that goes out to Gardner Avenue. This would allow the district to have more than one way to accommodate drop-off and pick-up. We are showing a parking lot with 18 spaces off that drive as well as another parking lot off Merriam Avenue with 65 additional spaces. There is also an opportunity to create a loop through that parking lot, bypassing the spaces. It gives the district another opportunity to distribute the traffic at the times of arrivals and departures, through Gardner, Merriam Avenue or a combination of the two. The detention basin was showing a reconfiguration of the existing detention basin in order to maximize the driveway up the property by the ball field areas. We are making sure that will accommodate any new impervious coverage on the site as well as the existing that it's handling. The plan is showing two pump stations remaining in the existing location just making the detention basin narrower and longer along the property line. This is the most cost effective thing for us to do. We've also looked at moving the two pump stations and replacing them with pump stations that would be on a backup generator which would make the operation of the detention basin a lot easier. I've got floor plans of the building as well. The light color is the existing school. The blue is the reconstruction on two floors. It allows us to improve circulation within the building. Conceptually it's a loop now and it allows the district to organize the school by grade level, clustering the different classes by grade level, the younger students on the lower level and the older students on the second level. This salmon color refers to renovations to the existing building which includes some changes to the administrative offices, creating a larger nurse's area and reconfiguring some of the shared core facilities to properly accommodate enrollment at the school. We're bringing the 5th grade back and bringing three additional grades, 6, 7, 8 back to this building as well. The second floor plan is very simple. It's a repeat of the first panel. The upper grade levels will be on the second floor. Any questions?

Mr. Flaherty questioned: What's the size and what is going to be the use of the courtyard?

Mr. Wozny stated: It is about 8,000 square feet.

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Mrs. Snyder stated: We want to emphasize that this is a concept plan. Everything that has been submitted is conceptual. The Department of Education has to approve it for both the funding mechanism as well as making sure the educational components are addressed. So everything you are looking at is a design, but it won't get done until after a referendum is passed and the funds become available to do the detailed designs.

Mr. Marion questioned: You mentioned earlier about the detention basin and underground tanks. Has it changed?

Mr. Wozny stated: We looked at that and realized that it would not be economically feasible. It would not be the best use of funds for the project.

Mr. Marion questioned: How much would it cost?

Mr. Wozny stated: Hundreds of thousands of dollars.

Mrs. Snyder stated: Thank you to Mr. Simmons for a wealth of knowledge of the history of this area. Also, in Mr. Walsh's discussions with the engineers they had expressed some concerns about the underground design. After meetings with the police, the engineer, and people from water and sewer we added modifications to the original plans.

Mr. Marion questioned: I have a question on the fencing and the play equipment. Do you need a fence or a buffer from the parking lot where people drive when they are leaving? Also, in the detention basin with the ballpark area over there, only about 165'. How high will the fence be? I can imagine kids climbing the fence into a secure but dangerous area. Can you tell me about the fencing?

Mr. Wozny stated: We plan on replacing the existing fence with the same height. The relationship between home plate and the existing detention basin is not much different than what we are proposing. Both detention basins are moving over as well as home plate. We do plan on providing a fence between the parking lot on Merriam and the ballpark as well for soccer balls and other sports from going into the parking lot. We can add fencing wherever it is prudent to do that.

Mr. Marion questioned: You proposed an entrance on Gardner Avenue. Will there be a sidewalk added there as well?

Mr. Wozny stated: Yes.

Mrs. Diglio questioned: I have lived in this neighborhood since 1978. This whole area exists on top of an underground lake. That original detention basin on that property developed because it is a sinkhole which developed when the entrances to a cave system were closed. Has any consideration been given to what could happen if it is disturbed and what steps can be taken?

Mr. Wozny stated: We are aware of this and we will do a geotechnical report like we did the last time. We will take the same precautions.

Mr. Flaherty stated: It does bring up a point. Would the additions be better off on the tennis court side where there is more solid footing and then move the parking lots which will be less stress on the ground.

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Mr. Wozny stated: Again, that could always be a backup plan if the geotechnical report shows that we have something very serious. We have borings done not just in the footprint of the last addition but also in the areas of the last addition. So we are reasonably comfortable just based on the last report that we are on solid ground. As mentioned, these are conceptual plans. We can reshape the addition if an unforeseen condition comes up.

Mr. Wink questioned: Would it make sense to do those tests sooner rather than later?

Mr. Wozny stated: The plan is to not spend too much money before the community has a chance to go over the project.

Mr. Flaherty questioned: What approval comes first?

Mr. Wozny stated: The Department of Education approval comes first, prior to the referendum.

Mrs. Snyder responded to Mr. Wink and stated: I understand your concern about the report, but if we didn't have such a comprehensive geotechnical study done last time we might take a different stance on it. But we will be doing more comprehensive studies.

Mr. Flaherty stated: Water has a tendency to erode. It will be interesting to see the difference between that study and the new one and what we can expect in the future.

Mrs. Snyder stated: Those of us who have been around Newton for a long time know that there are issues but there are issues in most municipalities and yet we all seem to find a way to work with them and around them. So hopefully we can find a way to make this work.

Mr. Levante stated: I wanted to commend the Board of Education and the Administrators on the research done on this project. They have been extremely diligent. Where I see Newton going, this is the best option based on everything that we've looked at.

Mr. Le Frois stated: At this time we will have our professionals review their reports.

Mr. Simmons referenced his report dated May 10, 2017 and stated: As the Board knows from our previous meeting, we did have some calls from the Board of Education regarding the site. We did provide them information. My report summarizes the proposed building expansion and the various site approvals they discussed. Major components are number 2, on page 2 an 18 space parking lot and relocated playground area. The plan shows the proposed parking lot and play area about 100' from the well. I spoke with Mrs. Snyder about how the property lines were set up for that well years ago for the Town to control 50' around the well. And they've taken that information to heart and they do stay approximately 100' away. I also point out that there is an existing 6" watermain located just to the south of the access drive. The location of this main should be verified to make sure there are no horizontal or vertical conflicts with the proposed driveway. On the proposed addition, I point out that there is a 6" watermain that runs through the school. They have shown some relocated mains to take care of those situations. They show a water box which may be for sprinklers, and a fire hydrant that may need to be rerouted. I recommend they touch base with the Newton Water & Sewer Utility so they can do a thorough investigation as the project progresses to make sure they have done all the ground work for the structure located in case there has to be any rerouting or relocation they can plan accordingly. We also forwarded plans from the archives from 40 years ago. It's not necessarily an as-built but

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it's a good thing to check out with all the different pipes. Another concern I have is that because of this area where the existing detention basin is now, there is limited grade fall to pick up the gravity flow pipe. So I think it is really important when they do their project that they get some as-built information on that so they take advantage of gravity and don't get in a situation where they are going to pump more water than they have to right now. The 65 space parking lot/relocated fields and expanded detention basin, they spoke about that. There is a variety of infrastructure that is in that area; be it the existing pump stations. I spoke to their engineer and suggested they contact the Newton DPW supervisor because over the years since that was last modified, because of wear and tear, lightning strikes or whatever, there has been some work done or replacements on those pumps. It is my understanding from Newton Water and Sewer Utility there is an existing pump station at the end of Sussex annex and all that infrastructure and any underground power lines should be taken into consideration as far as relocation goes. I did understand from the presentation that there will be a generator in that area. It is a good thing as far as backup power so you have a way to run the pumps if there is a storm and a power outage. I strongly suggest and I applaud them for wanting to do additional geotechnical work because there are areas of hard rock back there and there may be seams that have to be undertaken in a grout program to minimize the impact of any kind of sinkhole formation or expansion. Especially in that water area it would be a great thing in addition to the proposed buildings. That is the summary of my report.

Ms. Apte referenced her report dated May 10, 2017 and stated: According to the Municipal Land Use Law for projects such as this, which are basically capital expenditures within the Town by public entities we are supposed to show that the proposal is not inconsistent with the Master Plan. After reviewing the proposal pursuant to the Town's Master Plan which was adopted in August 2008, the proposal is not inconsistent with the Town Master Plan.

Mr. Soloway stated: I would recommend if you are so inclined, that you make a finding as a group that the proposal is not inconsistent with the Town's Master Plan and you adopt the recommendations that Mr. Simmons set forth in his report. That the Board of Education considers those recommendations and you authorize the Board Secretary to send a letter to the Board of Education.

Mr. Le Frois opened this portion to the public. None stepping forward, portion closed.

Mr. Flaherty made a motion to find this proposal not inconsistent with the Master Plan and formally include Harold Pellow and Associates comments as well as Jessica Caldwell's and Associates finding that it is not inconsistent with the Town's Master Plan. Mrs. Diglio seconded.

Aye: Mr. Flaherty, Mr. Marion, Mr. Russo, Mrs. Diglio, Mr. Levante, Mr. Majewski, Mr. Butterfield, Mr. Wink, Mr. Le Frois

NEW BUSINESS

**Water Street & North Park Drive, LLC
Block 3.03, Lot 3
2 North Park Drive**

The applicant is requesting preliminary and final major site plan for a one-story, 10,139 sq. ft. addition to the rear of the existing warehouse building.

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Mr. John S. Stolz, Esq. of Lowenstein Sandler represented the applicant.

Mr. Stolz stated: It's a 4 acre site with a 55,776 square foot warehouse building that was constructed in 1981. The proposed addition will be on the eastern side of that building which is essentially the rear of that building. It will not be visible in the adjacent rights-of-way, which is North Park Drive. The exterior of the building will be finished to match what is existing today so it will look like one building. In terms of the requirements the building is essentially pre-existing non-conforming for everything we are requesting rElef for this evening. The existing warehouse is occupied by a single tenant, All Access Staging and Productions, which provides stage and lighting and production equipment for concerts, tours, television, large events, Super Bowl half-time show and things of that nature. They have been a tenant since 2003 and they have asked the applicant if they can expand the building as they need more room for staging and storage and workspace capacity. You will hear testimony this evening that it will not intensify the use or employees, they just need more space inside. We have received two reports, one from HPA and one from J. Caldwell & Associates. These issues will be addressed throughout the presentation this evening. We have one witness, Mr. Brett Skapinetz from Dynamic Engineering who will testify to the planning and engineering aspects of this application. We also have available the applicant and the tenant should the Board have any specific questions they'd like to ask those individuals.

Sworn in: Brett Skapinetz, 245 Main Street, Suite 110, Chester, NJ.

Mr. Skapinetz stated his qualifications: B.S. in Civil Engineering from Rutgers University. A licensed engineer in the State of New Jersey with a current license. A professional planner in the State of New Jersey. Director and principal of Dynamic Engineering Consultants in Chester, NJ. He is qualified on 120+ Planning and Zoning Boards.

The Board accepted his qualifications.

Mr. Skrapinetz described Exhibit A-1 dated 5/17/2017, a colorized version of the survey: The property is block 3.03, lot 3. Its 4.11 acre parcel is in the SD-3 Zone. It allows the current use, All Access Staging & Productions which has occupied the same one-story building for about 15 years. The front of the site facing toward North Park Drive and there is parking in front of that building and on the eastern side, where Route 206 is. Toward the north side of the building is potentially a grass area just about to the edge of the property line where there is a basin that takes stormwater run-off for the surrounding retail development. The building itself sits 6.9' off the property line. Surrounding the property is Applebee's to the north, retail to the west, retail to the east and south. When you drive onto North Park Drive, this is the lowest part of the site just to the north. The proposal is to add 40' in depth off the back side of the building that leads to the north for the entire width of the building which is 253.5' for a total of 10,139 square feet of additional room.

Mr. Skrapinetz described Exhibit A-2 dated 5/17/2017, a colorized version of the site plan rendering. We are adding a 10,000 square foot addition. That is the strip in brown on the right side of the building. We have a pathway 10' in width which meanders around the easterly end and driveway loading area on that side of the building. The green around the pathway is minor grading around there, just inches. The roof pitch is maintained. Lighting will be extended out, no new services being required. No utilities needed because inside this building it's only going to be used for storage of materials and fabrication of materials. Landscaping not proposed since it's in the back of the building. We are going to add the pathway and recontour the grass area.

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No new signage. The one existing will be maintained. From a stormwater standpoint, it's a mainly clean runoff off the roof area. The pathway itself is up to 1% of new impervious being added. We are looking to simply discharge that roof runoff to the regional basin. That's the basis of the application. It is very simple.

Mr. Le Frois questioned: Is the building sprinklered?

Mr. Skrapinetz stated: Yes. The new building will also be sprinklered.

Mr. Wink questioned: How many interior punch outs would be in that back wall?

Mr. Skrapinetz stated: That hasn't been qualified yet. That will be done by the architect.

Mr. Skrapinetz described Exhibit A-3 from March 2017, four (4) public photographs taken of the facility: These are colored photographs of the site. This is the perspective of looking at the building from the driveway. The next photo is looking at the building more on center at North Park towards the eastern end of the building. This is the bottom right which would be the back end of the building. You see the roof leaders coming down, and vents that are on the back side and light fixtures. We are looking to extend that building out to a point. You see the roof is slightly pitched in that direction. In the photo on the lower left is the perspective from Mavis Tire to the north.

Mr. Simmons referenced his report dated May 9, 2017 and stated: Item one is a summary of the information we received with the application. Item number 2 on page 2 relates to the zoning. There are some existing conditions that require a variance. As well as variances that will be required with the expansion of the building. Item number 3, the site plan; I would like to clarify will the materials be contained inside or stored outside?

Mr. Skrapinetz stated: It is all inside.

Mr. Simmons continued: Number 3b, I included a copy of the deed so the Board knows that was prepared as part of the Kohl's application when it was constructed years ago. North Park Drive and the 519 intersection had same existing cross-drains that would discharge onto a graded area. When the Kohl's was constructed, the cross drains were covered over. So the Martin's as part of the development of that project extended the connection point from those cross drains down North Park Drive to the intersection of the upper driveway that goes to Home Depot. As a result water that used to go towards the south to the center of Newton ultimately ends up in the basin that Mr. Skrapinetz just described that's partly on this side of the property. So for the purposes of the Town of Newton we have this easement set up to memorialize that. If you can, add that book and page to the revised plan.

Mr. Stolze stated: Agreed

Mr. Simmons continued: In regards to the parking, according to the Town standards 183 parking spaces are required for the proposed use. You have 68 spaces proposed, which requires a variance.

Mr. Skrapinetz stated: There are 35 employees that can report to work at any point in time. Typically it is in the 15-20 range. Given the lay of the land and the way the building is situated with topography and the basin, there isn't even room to put 183 parking spaces.

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Mr. Soloway stated: The real question on the parking is whether a need is created for any additional parking based on what you are proposing.

Mr. Skrapinetz stated: No. There is no proposal to add new employees as a result of this addition. So no additional parking will be required.

Mr. Simmons continued: With regards to parking, there is a requirement in the ordinance that the parking be in the front of the existing building. It's supposed to be to the side or the rear. But this is an existing situation. There are a couple of requirements for parking space striping. They aren't proposing any.

Mr. Skrapinetz stated: We have discussed it further and are going to add some parking striping. I've mentioned the 35 employees. There is room for 37 parking spaces in the front of the building. When we look at the plan on exhibit A-2, the area where the loading docks are is on the easterly side. The employee parking takes place in the front of the building. That's why I say there is room for 37 parking spaces. Between the loading door on the front end of the building and the drive aisle leading to the loading docks you can get about 20. You can get another 17 from the driveway to the point where the parking lot expands. Between these two spots we can have 37 parking spaces, we will strip these. This gives more spaces that's required for the employees and strip a couple of visitors spaces in front of the door. That is what we are going to look to do in the revised plan.

Mr. Simmons continued: The new ordinance requires 4' wide sidewalks between the parking areas and principal structures and none are provided.

Mr. Skrapinetz stated: Given the fact that the parking is being used only by employees we do not have the rotation in and out like retail with customers coming in and cars pulling out. It is employees coming in primarily in the morning and leaving at the end of the day. We don't see the need for new sidewalks. Given the landscaping in the front of the building, paving into the hill on North Park Drive is unnecessary.

Mr. Simmons continued: Technically the minimum loading space requirements are 12' wide x 30' long x 14' high and they currently have 9' wide x 35' long.

Mr. Soloway questioned: Does the proposed addition require a larger loading space?

Mr. Skrapinetz stated: No.

Mr. Simmons stated: That is ok.

Mr. Simmons continued: Number 5, stormwater management, the applicant describes that the same type of drainage is taking place. It's going to sheet flow off the roof and then sheet flow into the regional detention basin. From over the years, I know that basin has been set up as a regional basin. From the Technical Review Committee meeting I know that the applicant submitted a letter to the DEP for a Letter of Interpretation on that detention basin.

Mr. Skrapinetz stated: They will be classified as environmental wetlands with no buffer. We just have not received the letter yet.

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Mr. Simmons stated: The Board should know that with no buffer and relative small site then no additional stormwater mitigation is required. With regards to the utility and the water, they already indicated that the building is sprinklered and they have an existing connection to the Town's water system and the addition is going to be water sprinklered. Regarding sanitary sewer, it needs to be shown on the plan. With regards to lighting, hours of operation for the building?

Mr. Skrapinetz stated: They are on from dusk to dawn.

Mr. Simmons continued: It was stated in the Technical Review meeting that there would be additional light over that wall.

Mr. Skrapinetz stated: That is correct.

Mr. Simmons continued: Number 8, as far as landscaping goes they are not proposing any additional. Number 9, signage, they are not proposing any additional. There is a freestanding monument sign off North Park Drive. There is another sign we discussed at the TRC meeting. There is a free-standing sign at the intersection of North Park Drive and Route 206. There are no business names on this sign at the time. The applicant can advise on this.

Mr. Skrapinetz stated: Our intention is to not do anything with it in this application. But there is intention in the future for the client to enhance that sign on a future application.

Mr. Simmons continued: In regards to architectural details, the applicant talked about extending existing building and materials 40' wide. Regarding construction details we made a comment with regards to some additional information to be specified.

Mr. Skrapinetz stated: We will make that change.

Mr. Simmons continued: Number 12, I noted various approvals I believe will be needed for this application. Number 13, we would like an as-built for the Town's records. Finally, Ms. Caldwell brought to my attention that there is a section in the ordinance that requires sidewalks to be constructed along any public roadways. In this particular case, on North Park Drive, on the right hand side, a sidewalk is constructed by Applebee's but not all the way to 206 down the front of this property. I think one of the reasons it stopped is that at that time the Board was reviewing the plans with the applicant for the Applebee's, Holiday Inn Express, the future Kohl's and that area. The applicant did construct a sidewalk to that limit.

Mr. Le Frois stated: The Board encourages sidewalks for public safety.

Mr. Simmons stated: The sidewalk on the other side goes up to Home Depot Drive and goes all the way up roughly about halfway up between that 4-way intersection at Route 519.

Sworn in: Mr. Stephen Martin, owner of property

Mr. Martin described the sidewalks and stated: Along North Park Drive we have a sidewalk across from Applebee's that goes all the way down to the existing sign which is the majority of the front of this building. We were just talking about where the sign is located by 206. This is the intersection of our property and Mavis Tire. We would have to get those guys involved. That is

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not our property. We did sidewalk the entire other side of North Park Drive from 206 to the crest in the hill for the Kohl's application.

Mr. Skrapinetz stated: Based on the property to the east it may not be a property that is easy to add a sidewalk without the curb line.

Mr. Marion stated: I never see anyone on the sidewalks that are there.

Mrs. Diglio stated: Me neither.

Mr. Marion stated: It seems like a burden to add it now. It may not necessarily be that important.

Mr. Le Frois stated: As long as it's on one side of the street, the only issue is that crossing that street is sometimes tough.

Mr. Stolz stated: If anyone is going to use the sidewalk they would do so on that side of the street where the Walgreen's and Dunkin Donuts are.

Ms. Apte referred to Caldwell & Associates, May 10, 2017 report and stated: I believe you referenced a side yard variance. Because it's an addition it would be a variance because it is pre-existing. The dimensions are the same.

Mr. Soloway stated: I agree. They are doing new construction in violation of the side yard setbacks and the height requirements. Those two do require variance relief.

Ms. Apte continued: The applicant is seeking waivers from the landscaping and buffering requirements.

Mr. Soloway stated: You are seeking waivers from the landscaping and buffering requirements but you never addressed why.

Mr. Skrapinetz stated: Regarding the report, item g.II. and h.I., in Mr. Simmons's report he cites section 240 as well as section 320. It seems like it might be a waiver situation instead of a variance situation.

Mr. Soloway stated: If it is in 320 it's a variance and 240 is a waiver.

Mr. Skrapinetz stated: We are talking about two things here. One is the introduction of landscaping to the parking lot area and two, there is a buffer requirement to the side property line of that parking. We will talk about that first. The area to the east that backs up against Mavis Tire. It is existing pavement where the trucks turn in and out. We don't have a large loading dock area. Also, the turning area is not typical. There is a natural buffer of 15 to 20'. Without some serious cutting of that grade, I'm not sure anything is ever going to happen to that property, so no negative impact there. Regarding the landscaping to the parking area, we have trailers we park there and my concern is introducing pockets of trees in there, it might end up causing damage. The maneuverability would be a challenge in that area. The fact we are not disturbing those areas whatsoever, we are only talking about the property, and everything being maintained we don't see the need to add them in at this time.

Mr. Le Frois opened portion of application to the public. None stepping forward, portion closed

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Mr. Soloway crafted a motion to approve preliminary and final site plan approval with a variance for side setback, variance from the building height requirements, variance from the parking requirements, grant landscape and buffering waivers as detailed on page 3 from Ms. Caldwell's report. No outdoor storage, stripe 37 parking spaces in front of the building, the lighting will be from dusk to dawn, comply with items 3b, 4c, 6a(l), 6b, 7b, 7c, 11 and 13 from Mr. Simmons's report and the other approvals and fees. The only thing that came up that may be in question is the sidewalk in front of the building.

Mr. Le Frois stated: In a general sense, adequate testimony was made to justify the parking, landscaping, and buffering variances and waivers. We don't want to burden the applicant. I don't think there is a detriment at all to the conditions around the facility as a result of that. Leaving current conditions as they are seems ok. After we had our brief discussion on the sidewalk, given we would basically be taking a dead-end side walk and extending it to another dead-end, I don't know that it makes sense. Especially since there is a sidewalk on the other side of the street. I think generally, those have been satisfactorily addressed. Any other comments from the Board?

Mr. Marion and Mr. Majewski agreed.

Mr. Marion made a motion to approve the application and adopt the wording of the resolution as Mr. Soloway stated. Mr. Levante seconded it.

Aye: Mr. Flaherty, Mr. Marion, Mr. Russo, Mrs. Diglio, Mr. Levante, Mr. Majewski, Mr. Butterfield, Mr. Wink, Mr. Le Frois.

Motion carried.

DISCUSSION –

Mr. Le Frois stated regarding Mr. Ricciardo's resignation: We should compose a letter from the Planning Board expressing thanks for the time and effort Mr. Ricciardo has given over the years.

Mrs. Citterbart will create the letter.

Mr. Marion questioned: Do we have the status of the AutoZone and Dunkin Donuts?

Mr. Simmons stated: Regarding the Dunkin Donuts, that is in the Construction Department. They are waiting for some information from the applicant's consultants.

Mr. Simmons stated: Regarding AutoZone, they are working on the deeds.

Mr. Flaherty questioned: Has anything changed with Grande Villagio? The sign now says "Clinton Square".

No feedback.

CORRESPONDENCE – Reviewed

EXECUTIVE SESSION - None

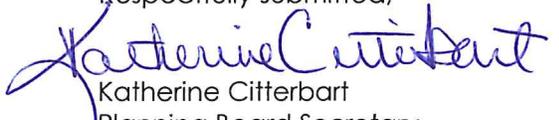
TOWN OF NEWTON
PLANNING BOARD
MAY 17, 2017
MINUTES

PUBLIC PORTION - None stepping forward

ADJOURNMENT

Mrs. Diglio made a motion to adjourn the meeting. Motion seconded by Mr. Flaherty. The meeting was adjourned at 8:31 PM with a unanimous "aye" vote. The next meeting will be held on June 21, 2017 in the Council Chambers of the Municipal Building.

Respectfully submitted,


Katherine Citterbart
Planning Board Secretary