

TOWN OF NEWTON
PLANNING BOARD
JULY 19, 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:

Wayne Levante
Kevin Elvidge

SALUTE TO THE FLAG: Was recited.

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Majewski, Mr. Wink, Mr. Russo, Mr. Levante, Mr. Elvidge, Mr. Le Frois

Excused: Mr. Marion, Mrs. Larsen, Mr. Butterfield

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

Condolences will be sent on behalf of the Board to Mr. Marion on the passing of Mrs. Marion.

CONSIDERATION OF MINUTES

June 21, 2017

A motion was made by Mr. Levante and seconded by Mr. Majewski to approve the June 21, 2017 meeting minutes.

AYE: Mr. Flaherty, Mr. Majewski, Mr. Wink, Mr. Levante, Mr. Le Frois

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

**One Summit Avenue, LLC (#PBWSP-01-2017)
Block 4.05, Lot 21
1 Summit Avenue
T-3 Zone**

Resolution granting Minor Site Plan approval to install an emergency standby generator.

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A motion was made by Mr. Flaherty and seconded by Mr. Levante to approve the resolution.

AYE: Mr. Flaherty, Mr. Majewski, Mr. Wink, Mr. Levante, Mr. Le Frois

The resolution was approved.

OLD BUSINESS

None

NEW BUSINESS

**Punctuated Equilibrium (#ASP-5-2017)
Block 22.04, Lot 1, 2, 3, 4, 13, 14, and 15
Diller Avenue & Sparta Avenue**

The applicant is requesting an amendment to previous plans approved July 9, 2015 for site work.

Mr. Peter Donnelly, Esq. of Donnelly Minter & Kelly, LLC represented the applicant.

Sworn in: Robert Cunningham of 213 Newton-Swartzwood Road, Newton, NJ. Professional Engineer with a current license.

Mr. Soloway stated: The Board has previously accepted Mr. Cunningham's qualifications as an engineer.

Mr. Cunningham referred to Sheet S-1 and stated: The site is at the corner of Sparta Avenue and Diller Avenue. There are a few lots including former Cono's Auto Body and the Lunchbox Deli.

Mr. Cunningham referred to Sheet 2 and stated: This is the demolition plan for the buildings that were formerly on the site. The purpose of the job is to remove some of the unsightly features. Clean up the site and make it safer. Also, to combine the lots into one tax lot. Along with eliminating the interior lot lines there are a number of private easements between the lots that are no longer necessary. We would just like to abandon those. There is also a driveway easement that runs through the existing lot 4. Our understanding is that it was for the benefit of Newton to get to the Sanitary Pumping Station. But now it's easily accessed through the Tri-State Rental property. So that easement hasn't been used in Newton for over 10 years. We would like the Town to look into abandoning that easement to give future development on this property more flexibility.

Mr. Donnelly stated: Please tell us about the sidewalks.

Mr. Cunningham stated: This is an amendment to an application that was already approved and at that time, in that application we were proposing new sidewalks along Sparta Avenue. That sidewalk we were proposing to be 4' wide with a 3' grass strip. It was approved at 4' although the standard in the redevelopment plan is 4 ½ '. Once this property is fully developed the curb line that is there now will not be the same curb line. Whatever we put in now will end up coming out. We can certainly make that 4 ½ 'wide instead of 4'. I had designed the whole site plan for this for Newton Town Square when the redevelopment plan was done. Our discussions with the County necessarily dictated that all those curbs would come out just to get

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the driveway approaches done. Since the two additional properties have now been added to the site, we are proposing to continue that sidewalk all around the corner creating barrier free ramps, and then down Diller to the existing parking lot, a portion of that which is scheduled to remain. Along that frontage it makes sense to comply with the redevelopment standard because there's a good possibility that when this site is developed there will be no new driveways in that area so that sidewalk may not come out. It makes sense to comply in that area. We can comply with the whole frontage. That is not a problem.

Mr. Donnelly questioned: Can you address the proposed safety fence? What is the purpose?

Mr. Cunningham stated: Yes. The plan shows a proposed three rail or split rail fence with wire on the property side not the street side along the proposed right-of-way line along Sparta Avenue. The intent of that is to help limit the property owner's liability. They believe that people were parking on the property and walking across the street to their homes but not necessarily at the place they should be crossing the street. They wanted to do something to limit their liability by having people leaving their property and crossing the street where they should be in case there is an accident.

Mr. Donnelly stated: I want to focus on the parking area that is to remain. There is an easement on the record between Punctuated Equilibrium and Merriam Gateway Apartments across the street on Diller Avenue. The easement, I drafted it myself so I'm very familiar with it, is from 2013 and it allows the residents of Merriam Gateway to park up to 31 passenger cars on the Punctuated Equilibrium site during certain hours, 8PM to 6AM during work days and all day on the weekends. The idea being that the need for parking at Merriam Gateway increases when people come home from work and this would serve as certain overflow, so we reserved for them, 31 parking spaces during particular hours. It is our intention that this application does not impair their rights. They will continue to have 31 parking spaces in the same location. The parking lot will be improved and striped.

Mr. Cunningham continued: The plan as its drawn calls for a section of the existing parking lot that comes off of Diller Avenue closest to the EJ Brooks road. That driveway will remain, right across from the Merriam Gateway Apartments driveway. The center aisle will remain with right angle parking off of each side of the center aisle. The curb along the northeast side of the parking lot and the southwest side will remain. We plan to resurface and stripe out the 34 parking spaces as is presently drawn.

Mr. Donnelly stated: I would like to speak to the Board on this one particular item. This is part of the discussion we were having in the lobby before. We have drawn the parking lot to bring it down to 34. It has occurred to us that would be the minimum that we would bring it down to. It may be beneficial for us and the Town in general to get more parking spaces out there than 34. I propose that we bring the parking down to no less than 34 spots, but no more than to where the existing asphalt continues to run.

Mr. Soloway stated: If I understand it correctly, your proposal is for amended site plan approval to reduce the parking to as few as 34 spaces but would also like to retain the right to utilize existing paved areas and stripe them and have more than 34 spaces. Is that correct?

Mr. Donnelly stated: Yes. That's correct.

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Mr. Le Frois questioned: You stated you are providing 31 spaces for Merriam Gateway. Does that mean 31 for Merriam Gateway and 3 extras?

Mr. Donnelly stated: Yes. The 31 is in the easement. We will not go below 34.

Mr. Soloway questioned: Will there be any improvements to the area beyond the 34 spaces, beyond striping?

Mr. Donnelly stated: Only consistent with the use as a parking lot; cleaning it up and striping. No other improvements.

Mr. Cunningham stated: We did show new lighting for a 34 space lot.

Mr. Donnelly stated: We are asking for approval to bring the parking down to no less than 34 spaces, but reserving the right to continue to use the currently asphalted area for parking with the further conditions that we would clean it up, re-stripe it and light it consistently with the plan for the 34 spaces at the applicant's decision.

Ms. Caldwell questioned: How does the easement for Merriam Gateway interact with the parking by Thorlabs?

Mr. Donnelly stated: The easement we have with Merriam Gateway states that we must maintain 31 spaces for them during certain hours. Those hours are off hours for Thorlabs. During the day it is mostly Thorlabs parking. The document calls for a system where the parties would coordinate with stickers. I don't know if that's happened but I haven't heard of any issues.

Ms. Caldwell questioned: Do you think bringing it down to 31 will cause any issues?

Mr. Donnelly stated: We don't think so. I was out there today and there are a couple of cars that need to be removed that are non-functioning. Some are going to be removed and that will free up a couple of parking spaces. You have a good point but I can't tell you who is parking where. That's another reason that having the right to leave these other spaces makes sense to avoid any potential conflicts with Merriam Gateway. The document gives Merriam Gateway priority. They have the right to park there first during those hours.

Ms. Caldwell questioned: Would it make sense to observe the parking before you change it to make sure you are not creating an issue?

Mr. Cunningham stated: I did a parking count for Merriam Gateway back when we were designing the Newton Town Square project. That's where that 31 number came from.

Mr. Donnelly questioned: Has Merriam Gateway expanded since then?

Mr. Cunningham stated: No.

Mr. Donnelly questioned: When was this done?

Mr. Cunningham stated: It was 6 years ago. We were out there at 3 AM, 2 PM, midnight, and morning rush hour for a number of months and kept a log. There were plenty of empty spaces on both lots. There are over 100 parking spaces on this assemblage of lots. That was from way

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back when the original Merriam Gateway approval was done; they had a restaurant and there were these parking generators in that building and none of that is there anymore.

Mr. Soloway questioned Mr. Simmons on any comments or responses on the applicants request to have some flexibility in terms of the area improvements in the parking lot?

Mr. Simmons stated: Based on my recollection of being on the site before, there is drainage set up that with the proper grading the existing paving can be used. As Mr. Cunningham said, they will have to add on is some additional lighting. Because they circumscribed the parking lot for the 34 parking spaces with lighting, they didn't go any further. The only other thing that would be subject to the Board looking at would be the utilities that run through the area in regards to the placement of lighting fixtures. They would have to do test holes.

Mr. Donnelly stated they had no problem with any of that.

Mr. Donnelly prompted Mr. Cunningham to discuss County approval.

Mr. Cunningham stated: Shortly after we were here with our prior application we put in a planning application for County approval because we were doing a sidewalk down Sparta Avenue. The file on that is still open. We met with the County Planners and Engineers again before preparing this amended application. They asked us to do a couple of things which was to dedicate a little more right-of-way along Sparta Avenue which is reflected in these plans, to be consistent with their future plans for what they called a scoping study for the County road. We did that. When we left that meeting they said to us our application was still open, go to Newton and if they want you to change anything make changes and bring the plans back to us with a cover letter stating we are now seeking your final approval.

Mr. Donnelly stated: So if you receive approval tonight, it is on condition of getting approval from the County.

Mr. Cunningham stated: Yes.

Mr. Soloway stated: It would have to be an approval or a letter of no interest.

Mr. Donnelly stated: I would like to address one item that Mr. Simmons raised in his letter. He asked us to update the Board on long term development plans for the site. I've spoken with the applicant directly and there are no definitive plans for this or other sites yet. They are actively working with professionals such as Bob and others to develop ideas and come up with what they think works the best and then they will come to you.

Mr. Le Frois stated: Is the intent that the entire site be graded and reseeded?

Mr. Cunningham stated: Yes, subject to the paved areas we talked about and sidewalks.

Mr. Donnelly questioned about the retaining wall there.

Mr. Cunningham stated: From the prior development, there is a retaining wall that is made out of large concrete blocks. That creates a grade separation between this parking lot that's been the subject of this discussion right now from an upper parking lot. There is a fence and a sidewalk that are all in disrepair. The client wants us to get rid of that and to cut that slope back

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with grading and get that all seeded and stabilized. Somewhere inside part of that wall there's an existing inlet and manhole that drops into a 72" storm drain. That will remain. That takes the water from this parking lot that is now on lot 4. The retaining wall will be crushed and taken offsite and taken back to a sloped area that is safer to walk down.

Mr. Donnelly addressed Mr. Simmons: You have referenced in your letter that the 42" storm drain that runs through the property that doesn't have an easement. We will work with the Town to grant you the appropriate easement for that.

Mr. Cunningham referenced Sheet S-4, the lighting plan, and stated: Proposing 6 light poles which are the same style that Newton uses along the streets.

Mr. Donnelly questioned: Is the parking lot lit now?

Mr. Cunningham stated: Technically yes. But not really. There are some lights there but not all of them work.

Mr. Donnelly stated: So as we discussed before, if the Board approves it and the client decides to make use of some of the parking area to the right, we will conform to the lighting standards for that additional parking area.

Mr. Le Frois prompted the Town Professionals to review their reports.

Mr. Simmons referenced his report dated July 11, 2017 and stated: The applicant has already discussed most items. I would note that on page one, the applicant is proposing to delete the previously approved request to stockpile stone products on the subject property for future use. The Board was concerned with how long the piles would be there. It is my understanding from the TRC meeting that any material will be taken off-site. Is this correct?

Mr. Cunningham stated: The previous request was from my former client who was going to be the General Contractor. There will be stockpiles during demolition because it is more effective to load it up all at one time. Then everything will be taken off-site.

Mr. Simmons continued: On page two, the applicant will need to prepare a deed and any kind of approval be it a subdivision approval, etc. to merge these new lots into one.

Mr. Soloway stated: Typically you don't need approval from the Board to merge lots, but since they've made it part of the application I do recommend that the deed be subject to the professionals' review.

Mr. Simmons continued: On page three item F, there are seven easements listed that we need small pieces of to complete those easements. For instance, they may cross part of Cono's Auto Body or the Lunchbox Deli.

Mr. Donnelly stated: We will do all that.

Mr. Soloway questioned: So the site triangle at the end of Diller and Sparta is actually County?

Mr. Simmons stated: It may be both. By my recollection the previous easement on the 72" pipe back in the late 70's, early 80's, was actually a joint project between the County and the Town.

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It started out on Woodside Avenue by the cemetery. It came past Seplow's Liquor Store, and then down Sparta Avenue right through the applicant's property. It may have been deeded to the Town and the County as a joint project. I will have to check that out and get back to the Board.

Mr. Simmons continued: Item G, on page three, there are some easements for separate house lots with common driveways. The applicant wants to vacate those so he has a cleaner slate to develop the property in the future.

Mr. Le Frois questioned: What about the larger easement that used to be necessary to service the Sewer Pumping Station?

Mr. Simmons stated: When the Town purchased the railroad property in 1982 from Hicks Avenue through this property, through the train station property, passed Trinity Street and the wetland areas. At that time, the grade of the former railroad bed extended from Diller Avenue to Hicks Avenue. When it got in the area where the Tri-State Rentals is the railroad bed was basically elevated. The Sparta Avenue Pump Station was on the wetlands and you couldn't get there from Sparta Avenue at that time so the access was reserved on the property and subdivided on Diller Avenue to get to the Pump Station. When the Board received the site plan for the Tri-State Rental, one of the things they did was to excavate a lot of the railroad bed out to develop the property as you see it now. That is one of the things that require the retaining walls in the back to support the adjoining grade because they took the railroad bed materials out. When they came in with that plan, we found some additional easements for the County drainage that goes across Sparta Avenue. Plus we got more direct access to the Sparta Avenue Pump Station.

Mr. Le Frois stated: So the Town may find it acceptable to abandon that easement.

Mr. Simmons stated: They may, subject to looking at it to make sure there is nothing else in that area. There is something in the back of my mind that says when they went from the Sparta Avenue Pump Station and came along the route that Mr. Cunningham traced and along the parking lot in back of Merriam Gateway and continue on, we found that it ran into a gas main.

Mr. Soloway stated: That would be for the Council not the Board.

Mr. Soloway questioned Mr. Simmons: If the Council is approached by the applicant and decides to eliminate that easement does that require an amendment of any site plan?

Mr. Simmons stated: I will have to investigate that.

Mr. Donnelly stated: We are just looking to clean up the site. You are right. This Board probably doesn't have the power to do that. We would have to go to the Town Council on that.

Mr. Soloway stated: My question relating to site plans was if it is eliminated, would you have to come back to the Board as well because it changes some site plan.

Mr. Donnelly stated: Perhaps I guess the Board could make a decision conditioned upon us getting Council approval that they are okay with us vacating that easement and engineering approval so we don't have to come back.

Mr. Simmons stated: Subject to further study

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Mr. Soloway stated: Mr. Simmons whose institutional knowledge here is stunning, even he can't remember this one, so I don't think Mr. Simmons is prepared to address it tonight.

Mr. Le Frois stated: I wasn't expecting Mr. Simmons to address it on the spot. I just wanted to bring it up because of Mr. Donnelly's testimony when he said we would like to abandon this easement.

Mr. Simmons stated: It is something we should check out. All the other items in my report have been addressed.

Ms. Caldwell referenced her report dated July 13, 2017 and stated: My report noted that this is governed by the Merriam Gateway Redevelopment Plan. The use proposed is an interim use which is contemplating for staging and assemblage of the parcels which the applicant is conducting right now. Because of that several items under landscaping that would typically be looked at under the application are not required at this time. The lighting is in conformance with the Plan and we would ask that if they do decide to expand the parking area that they expand the lighting accordingly. Also, the applicant agreed to construct the sidewalk as noted at 4 ½ ' as required by the Plan along Sparta and Diller.

Mr. Soloway stated: Correct me if I'm wrong but Mr. Cunningham said that not only do they have the ability to do it along Diller and he actually thinks they should, but he was not proposing to do the remainder of the sidewalk. I assume that their position is that this is temporary and they candidly acknowledge that there is no permanent plan yet and it will likely be ripped out. It would be less expensive to construct a narrower sidewalk since it will only be there a few years.

Mr. Donnelly stated: Yes. That is a fair assessment. Full width sidewalk along Diller Avenue. We would like to do the narrower sidewalk on Sparta Avenue. We think it's highly likely it will have to be ripped out when the property gets developed but if the Board feels like they want a full sidewalk on Sparta Avenue we are not going to fight that.

Ms. Caldwell stated: I'm concerned about whether or not you noticed a deviation on that. If it was approved all the way along Sparta to the corner on the former plan that may not be a problem but if not and you didn't notice it might create an issue with the deviation.

Mr. Soloway stated: The notice says that In addition to the requested approval as stated above, Punctuated Equilibrium, LLC does seek such variances, waivers, permits, and approvals as deemed necessary or appropriate by the Planning Board and the applicant which may arise in the course of the hearing process. So I can live with granting this deviation under this form of notice.

Ms. Caldwell stated: I have no objection to that.

Mr. Le Frois questioned Mr. Cunningham: Does that new sidewalk butt up to an existing sidewalk?

Mr. Cunningham stated: It does not. There currently is no sidewalk.

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Mr. Soloway stated: Since you said that you should comply on Diller, are you proposing any new sidewalk that does not meet the Redevelopment Plan standard? If you are not then I don't think you need approval if it was part of the original application.

Mr. Donnelly stated: It was approved as part of the original application.

Mr. Cunningham stated: It was but we didn't have Cono's Auto Body property at the time. So that piece of it wasn't approved.

Mr. Donnelly stated: Then we would need approval.

Application opened to the public.

1st Public:

Anwar Qarmout, 45 Woodside Avenue, Newton, NJ. Thinks the fence is a good idea for safety. There are not a lot of pedestrians using the sidewalk. It's a waste of money to put it in then rip it out. Feels sympathetic with amount of money being spent, but is also annoyed by amount of construction and traffic disturbance. Thinks they should wait until site is developed. It's a great gesture that they're doing but they're wasting so much money on something that is not going to be used. How long will it be vacant before the ultimate master plan turns into reality? I recommend waiting until the plan is ready to be implemented rather than doing temporary improvements.

Mr. Elvidge stated: I want to add to that. The current Thorlabs location has been there about 6 years. When the EJ Brooks site is opened it will add about 250 to 300 people to that site there. Plus there is the housing development behind Quick Check which will add foot traffic. Knowing Alex Cable's desire to keep Newton a pedestrian friendly town, those homes may fill up with completion of the EJ Brooks location. They are within bicycling or walking distance. It could remain vacant for a few years, but I think the potential for the sidewalk to be used is probably greater than we think.

Mr. Le Frois stated: It is generally the policy of the Board to have sidewalks put in whenever a property is developed to accommodate the needs of pedestrians and bicyclists. Even though this is temporary and doesn't tie into a sidewalk that is already there on the east side, I agree that it is consistent with what we've done in the past and makes sense.

Mr. Flaherty stated: I'm perfectly willing to go with the narrower width on the temporary sidewalks. I think that's a nice compromise.

Mr. Levante stated: I agree with all 3 comments.

Mr. Elvidge questioned: The current sidewalk in its location, the reason for its potential removal is because of a road widening the County is proposing?

Mr. Cunningham stated: The County has plans but they don't know what their time schedule is. I previously did a full set plans for this for the Newton Town Square when the plan was developed. At that time we designed a one way in and one way out driveway. That involved tapering the curbs back to minimize the potential for rear end accidents when someone is turning into this driveway so those cars would necessarily be removed.

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Mr. Elvidge questioned: I agree with Anwar about putting in a new sidewalk only to rip it out in the future. Can you set it further back to be a permanent sidewalk?

Mr. Cunningham stated: We don't know exactly where it would wind up or if I would be the designer of that. The sidewalk that is there now is at the back edge of the curb. When the snow is plowed it covers the sidewalk with snow. From the beginning of the last application this was not something that the Town or the County were forcing on Punctuated Equilibrium. They wanted us to get it back away from the back of the curb.

2nd Public:

Ralph Porter, 12 Pine Street, Newton, NJ. Sidewalks make a town more pedestrian friendly and more walkable. Why can't Thorlabs make the sidewalk to Tri-State Rentals? It wouldn't be that expensive and it would make the Town more walkable.

Mr. Le Frois stated: I don't think we have the power to cause an applicant to make improvements on someone else's property.

Mr. Soloway stated: Correct. You can't make an applicant improve an off-site property.

Mr. Wink questioned: Why was a sidewalk not required for the medical building? It was built about 15 years ago.

Mr. Soloway stated: It may have not been in the ordinance.

Ms. Caldwell stated: Our ordinance is from 2012.

Mr. Elvidge questioned: Regarding the parking lot where they are removing the macadam that you said in the future we would have drainage there, I wouldn't want to see the improved parking lot be disturbed. Would there be a way to connect the drainage to have that prepared if we ever had to extend the parking lot?

Mr. Simmons stated: Because of the two large storm drain pipes that go through the 42" and 72" I believe there are inlet and/or manhole structures off of those to some side inlets that were put in that with the right grading on the final paving, you could catch these.

Mr. Majewski questioned: As far as the parking lot, is that also temporary?

Mr. Donnelly stated: The permanent development plans for this site have not been decided. I think it is likely that the parking lot will be reconfigured and up for redevelopment.

Discussion ensued.

Mr. Soloway stated: There are two issues that need to be decided. One you need to decide is if you are granting a deviation from the Redevelopment Plan to allow the applicant to construct a narrower sidewalk to be constructed on all new sidewalk areas except those along Diller Avenue. Where the applicant himself says you should adhere to the ordinance. The second item is the request for flexibility in terms of the parking lot to require that it be no less than 34 spaces but allow the applicant to have more spaces than the 34, if they utilize existing paved areas, they will have to stripe them, clean them, perhaps repave them, and add lighting. If the Board is inclined, to make that part of the approval subject to the approval of Mr. Simmons.

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Mr. Le Frois questioned the professionals: Are you comfortable with the reduction and deviation in width of the sidewalk?

Ms. Caldwell and Mr. Simmons stated: Yes.

Mr. Le Frois questioned the professionals: Are you comfortable with the applicant striping, cleaning up, and lighting the parking lot if additional spaces are used subject to Mr. Simmons approval?

Ms. Caldwell and Mr. Simmons stated: Yes.

Mr. Flaherty stated: I would like to add that if we allow the deviation from our sidewalk should we specify it's temporary?

Mr. Soloway stated: Yes. I would note that per our discussion it is temporary and the expectation is that although they are not sure, they are going to remove it someday, and reserve the right of the Board on any future development applications before you to require adherence to the ordinance. It was not put to the Board as a permanent improvement in the Resolution.

Mr. Donnelly stated: I would like to mention that on the prior Resolution you drafted you did a very good job. It is almost the same conditions.

Mr. Soloway crafted a motion to approve the application for amended site plan, approval to allow the sidewalk deviation as discussed, to allow the parking lot to be more than 34 spaces, utilizing existing paved areas with additional striping, clean up, repaving if required, and lighting to the satisfaction of the town engineer. Subject to compliance with the recommendations in Mr. Simmons report, specifically the grant of the various easements referenced on page three, subject to a requirement that the applicant provide a deed of merger of lots 1, 2, 3, 4, 13, 14, and 15 to the satisfaction of Mr. Simmons and the Board Attorney. Specifically noted by the applicant that these are temporary and at some point it is going to be developed.

Mr. Russo made a motion to approve the application. Mr. Flaherty seconded the motion.

Aye: Mr. Flaherty, Mr. Majewski, Mr. Wink, Mr. Russo, Mr. Levante, Mr. Elvidge, Mr. Le Frois

Motion carried.

**Gercino Soares (#MSP-6-2017)
Block 13.05, Lot 1
187 Main Street
T-5 Zone**

The applicant is requesting minor site plan approval to repurpose the existing vacant bank building to a drive-up food store.

Mr. Elvidge recused himself from this application as he has a conflict.

Sworn in:

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Mr. Wayne McCabe is representing the applicant. The applicant is Gercino Soares, 349 Prospect Avenue, Dunnellan, NJ 08812. Victor Arechavaleta, 7499 Southwest 34th Terrace, Miami, FL from Farm Stores. Joseph D'Albero, 23 Weaver Drive, Martinsville, NJ from Farm Stores.

Mr. Soloway stated: Mr. McCabe's qualification as a licensed professional planner have been accepted by the Board.

Mr. McCabe stated: You have in front of you an application for a minor site plan. The application has been formally determined as exempt from filing from the Sussex County Planning Board. The application is for block 13.05, lot 1 at the northeast corner of the intersection at Main Street. The property is 13,803 square feet. It is in the T-5 core zone which permits commercial and retail uses which is what we are proposing. Tonight we will present the proposed improvements and the general use. Mr. Arechavelata will talk about the operations and we have a short movie to show.

Mr. McCabe continued: The site itself as you can see on the second sheet of the plans our office has prepared reflects the location of the bank building. The bank itself was constructed somewhere between 1964 and 1969. It was a drive-through bank and was constructed by the Sussex and Merchant's National Bank of Newton. The access has remained since that time from 206 and Nelson. The building has continued all those years as a drive-through bank up until a year and a half ago when the PNC Bank terminated the use as a drive-through. Currently on the site is a single masonry structure of 782 square feet. It's faced with brick and there are two structural canopies on opposite sides of the building. As you can see it's on the northeast side and the southwest side of the structure. The one on the northeast side has two drive-through areas and a single drive-through on the opposite side. The access is off of Main Street and off of Nelson Street. They have paved access drives and parking spaces. There is a mature landscape plan in effect and there are sidewalks across both Main Street and Nelson. On the opposite side of the property towards the north there is a very dense growth of trees. There are some very mature trees of approximately 18" in diameter. The proposed use is going to be for a drive-through food retail establishment. There will be no customers entering the building. Only employees will enter the building. The entire story about the operation will be covered later. The food and products that will be purchased will be brought out to the customer's car and put in the car for them. The proposed site improvements: we are not looking to change the footprint of the building or the canopies. There will be no change in the driveways or the sidewalks. We will be maintaining 4 parking spaces on the east side of the property, installing a handicap parking sign, installing a solid wood fence enclosure around the refuse and recycling center in the northeast corner of the property. We will be repairing a chain link fence on the north side of the lot. We will also be installing a new 38 ½ square foot free standing electric message board sign in the lawn in the front. You will notice there is a note on the plan that notes an existing concrete sign base. That was for the old sign for PNC Bank. As Mr. Simmons indicated in his review comments, it straddles the property line and to a large degree falls into the right-of-way of the federal highway. We propose to abandon that site of that base and have a new sign base installed. We are also proposing to put in new 6' concrete wheel stops along the east side so that will denote the property line. We do not propose to remove the old concrete wheel stops in the area and I will withdraw that from the plan. At the TRC meeting Mr. Simmons was good enough to provide us with a copy of the Dollar General site plan, particularly for where the drainage easement is located and carried it on to our property. It was at that point that I realized the blocks belong to them so it is not part of our parking lot. We are also proposing to put in stop signs and lines on both points of egress. We've also identified the location for the delivery truck that would be coming to the site to drop off supplies. We've also indicated where

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there is going to be a proposed ATM on the underside of the two bay canopy. We've also created an easement that's 20' wide over the 24" storm drain. This was done at Mr. Simmons request. What the surveyor did is crawled in from the headwall at the back of the property and measured to the point where the 24" ties into the 42" pipe and at that point brought it down and created the easement on 10' on either side of the line. There's no change in the sight or the building light arrangements. There is no change in the amount of impervious coverage. Therefore there is no change in the stormwater management improvements on this site. We also do not propose to change any of the mature landscaping that's been growing there for several decades. In terms of the building and what we are looking to do on the site physically we're looking at what is shown and reflected in the architectural plans that have been submitted along with this that the roof is going to have a new standing seam metal roof system put on it. It is similar to what Hayek's has on theirs. Also, where the former teller windows are on both the northeast and southwest sides of the building, those window areas will be remove and opened up and sliding wood barn doors will be installed. The outside of the building will be painted red. It will have the appearance of a barn. The existing door on the southeast end of the building will be replaced by a new galvanized door without any windows. It will be an access as shown on the architectural plans that can go into both the walk-in freezer and walk-in chiller box. Also, the windows on the northwest side will be replaced with a windowless steel door and that's the one that will be coming out near the two air compressors for the HVAC. Additionally, there are three windows on the northeast, southeast, and southwestern sides of the building that will be closed off. What are proposed there are wall mounted signages that will be illuminated. The additional sign on the northwest wall facing out towards Route 206 is where the compressors are and would have the logo of the company on it. If you look on the north elevation on the top of Sheet 3 of the architectural plans, it says that it is not illuminated; I'd like to amend that to indicate that it may be internally illuminated like the other three. In terms of comments regarding the overall site, this meets the qualifications of a minor site plan. So we followed the checklist that the Town Planning Board provided. The signs themselves are not intrusive to the neighborhood; they wouldn't have a glare to them based on the type of sign that would be there. The sign board for the prices would be on the east side of the building where the two driveways are coming through. It would be seen by the people before they come up to the door so if they think of anything else they need they can order at the door. That is in a nutshell what the conditions are, why we are here for a minor site plan, and the fact that we are doing a de minimis amount of work on the site to improve it and make it a functional site again.

Mr. D'Albero introduced himself and stated: My title is Area Representative. This means I am the master franchisee for NJ. My responsibility is to help other franchisees like Mr. Soares work through the process in the State of NJ. The franchise is Farm Stores. It is somewhat of a unique concept so we have prepared a PowerPoint video for the Board so you can understand it better.

Mr. D'Albero played a short movie on the working of a Farm Stores location and entered it as Exhibit A1.

Mr. D'Albero stated: Farm Stores has been operating in the State of Florida since 1957. It began as a dairy company that was seeking to find another way to distribute the milk and ice cream outside of delivering to the doorstep. When people needed additional milk they would go to a Farm Stores location. To this day we have 70+ locations in Florida. Farm Stores is unique in that it's really attracting a lot of women and mothers. Our motto is that we are always fast, fresh, and friendly. We are providing a service to the community and we want to give it a small town charm feel. In this day and age we are adding a bit of technology that can add efficiencies.

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We have an online app where people can review the items that are available in the store. You will be able to see the current inventory and pre-order items and interact with a rewards system as well. We are known for fresh squeezed orange juice and fresh hot baguettes. Each car is serviced in under two minutes. There is very limited preparation needed on site. There is a machine for the orange juice, a high speed convection oven and a coffee machine. It is almost like a gas station attendant. Someone will ask what you need and then go in and get it. We are very efficient in time. One of the reasons why moms like this, if there are children in the car they don't need to get children out of the car to go shopping. It also benefits senior citizens, professionals on the go, and families that are trying to provide some efficiencies. We want to provide better food options. We're going to add some organics and naturals. We are trying to provide high quality foods in an efficient manner. It's close to the neighborhood so it's easy getting back to the home. It reduces traffic in the downtown of people driving to the big supermarkets. This location works out nicely. The double-sided canopy on the PNC Bank works very well for a Farm Stores. Cars can pull up on either side like the bank location. The attendants come out through the open barn door. In a busy time, you can have two attendants come out from each side so you can technically service 4 cars at one time. Because the customers don't go inside we don't need as much parking, just three or four spots for employees. We will add to the landscaping wherever we can. Two full and two part time employees. We will have natural and organic products, gluten free items, freshly baked bread are one of the hot selling items. Fresh soup, salads, prepared meals, and various essentials. There are more people looking for ways to get things delivered to their door. So we think this technology allows us to have this store fit into the way things are changing. People also want to access healthier food items.

Mr. D'Albero described the video: This part of the video shows a store outside of Miami. This is a busy location. If you have two cars on one side and three on the other, that is the most we've ever seen at a store at a busy time. Typically, two or three is the most we've seen. So it doesn't produce any traffic problems. In this time-lapsed footage you can see there are generally only one or two cars are at any given time. You can see the attendant comes to the car and greets the customer, then goes in and gets the items. They can put the items in the car or the trunk. It's about service to the patrons. There won't be walking space between the building and the cars. This is the high speed convection oven where the baguettes are made in 60 seconds.

Mr. Arechavaleta introduced himself as the Vice President of Farm Stores and stated: One of my roles is I come from a distribution site from 15 years at Farm Stores. We want to consolidate this region as much as possible. We achieve that largely by using Sysco Foods. Dairy and ice cream delivered. Sysco is our grocery distributor. We have just 24' to 26' box trucks making deliveries twice a week. Maybe in the beginning once a week. The old stores don't have a walk-in freezer. We are excited that this store will have an ample walk-in freezer. The deliveries are early in the morning, no later than noon or just after lunch.

Mr. D'Albero stated: We propose that the trucks will enter the site from Nelson Street and then park on the far side of the double canopy along the tree line. So they will be on the property but out of the flow of traffic.

Mr. Le Frois questioned: Not where the ATM is?

Mr. Arechavaleta stated: No.

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Mr. D'Albero stated: The access to the freezer will be on the back side of that door. So it will be a short distance from the truck.

Mr. Le Frois questioned: Will deliveries be made while the employees are there and what are the typical operational hours on a daily basis?

Mr. Arechavaleta stated: Our suggested hours are 6:30 in the morning until 11:00 at night. Up here there are very early commuters so we recommend 5:30AM to 10:00PM.

Mr. Flaherty stated: The planning report indicates that the operational hours will be 6:00AM to 7:30PM.

Mr. McCabe stated: That is what we had originally but it has evolved to something different than we originally thought.

Mr. Russo stated: It's better to pick a wide window of hours.

Mr. McCabe stated: The hours of operation will be 5:30AM to 11PM.

Mr. Levante questioned: Is this strictly a drive-through or is there a walk-up window for people going to and from school?

Mr. Arechavaleta stated: That's something we need to address. I think Mr. McCabe is taking a look at that. In other states we simply have a sidewalk running alongside of the building. Customers can walk up to the window, but they are not allowed to come into the store.

Mr. Soloway questioned: How will someone know what to order or what's available if they are not allowed in the store?

Mr. Arechavaleta stated: The Farm Stores has a very limited selection, milk, eggs, ice cream. We are counting on technology and a lot of local marketing. We have the app and handout menus. There will be a marketing challenge, educating people as to what's available in the little barn. We are very family oriented. Kids love it.

Mr. Soloway questioned: How does it work when I drive up?

Mr. Arechavaleta stated: You tell them what you want, they tell you how much it is and then they go in and get it.

Mr. Le Frois questioned: Do they accept cash?

Mr. Arechavaleta stated: Yes. We would like to eliminate the first step you just mentioned. From your house you input your order and then it is ready for you when you arrive and it's paid for already.

Mr. Soloway questioned: Can someone call in and order?

Mr. Arechavaleta stated: Yes.

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Mr. Soares stated: We are planning a big grand opening to invite the media and the surrounding neighborhood to see what we are all about.

Mr. Le Frois questioned: Have there ever been problems from a security standpoint?

Mr. Arechavaleta stated: There are laws we follow strictly for safety.

Mr. Wink stated: This concept is not new. Thirty years ago in Long Island we had a Dairy Barn where you could pick up milk on the way home from work.

Mr. Arechavaleta stated: The founders of Dairy Barn were actually former Farm Store employees. They came from Florida and started the same concept in Long Island.

Application opened to public. None stepping forward, portion closed.

Mr. Simmons referenced his report dated July 13, 2017 and stated: On page one I've highlighted what the applicant is proposing to do. On page two is a list of the documents they've submitted. On page three, they talked about Mr. McCabe bringing the stormwater easement so we can complete that along with what Dollar General did years ago. I did point out on item #7b, the Board will recall that we've had a number of bank operations come in over the years, and there were specific State guidelines about ATMs being lit up brighter than what we normally require. The applicant is putting in an ATM and I would suggest that they investigate that to ensure they are meeting all the safety requirements. As Mr. McCabe pointed out they are going to have an electronic messaging board which is what they are proposing for the freestanding sign. My understanding is that they are going to adhere to the level of intensity at night and during the day for the number of nits that are projected from the sign. As well as no animation, minimum seconds for display, etc.. The one item I would like to get on the record. I did see a discrepancy. There is a white wood picket fence on each side of the building that I believe help buffer the air compressor, HVAC units. One has 36" and the other 48". My assumption is the 36" so as not to cover window signs. Is that correct?

Mr. McCabe stated: Yes. It is 36".

Mr. Soloway questioned Mr. McCabe: Will you provide the construction details requested in item 11?

Mr. McCabe stated: Yes.

Ms. Caldwell referenced her report dated July 13, 2017 and stated: On the first page, item 2.a(iii) the architectural drawings refer to sliding wood barn doors. Do you plan on having them open and how do they operate in the winter?

Mr. Arechavaleta stated: One of the things that we proposed is having sheet plastic as an alternative.

Mr. Soares stated: Either the plastic drape or I'm looking at a second option of having glass paneling behind that. The glass that folds away. Ideally it is desired to have the barn doors open. But it is more cosmetic than it is functional.

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Ms. Caldwell continued: You are proposing four façade signs. They have one 17.5 square feet on the two road frontages, 17.5 square feet on the eastern non-road frontage elevation, and an 11.2' on the northern non-road frontage. The maximum by the ordinance is 8 square feet without approval by the Planning Board. The Planning Board can approve up to whatever size is permitted based on the façade. So those are within it. The façade goes from 22' by 36' so they have the same square footage of the façade on each side. Will all be illuminated?

Mr. McCabe stated: Yes. The ones on the east, south, and west sides are simply the existing openings of the windows. It will not enlarge anything else. It is removing the window, and creating a light box for it.

Ms. Caldwell continued: There is one additional sign on the eastern side that is proposed as a menu sign. We wanted to correct that on the architectural plans because a menu sign has a much smaller maximum square footage of 4 square feet. We don't think it follows that definition and it is more like a regular façade sign. Up to 22 square feet is allowed by the ordinance. And it is proposed to be illuminated.

Mr. Le Frois questioned: Is it a menu board?

Ms. Caldwell stated: It doesn't meet the definition of a menu board in the ordinance. Regarding parking requirements, I want to confirm that there will be no public seating outside.

Mr. McCabe stated: There will be no public seating.

Portion opened to public. None stepping forward, portion closed.

Mr. Russo questioned: What are the hours of operation?

Mr. Soares stated: 5AM to 11PM

Mr. Majewski questioned: There is probably a lot of foot traffic because of the location, can we incorporate that in to the plan?

Mr. McCabe stated: Yes. It is about a block and a half from the school.

Mr. Le Frois questioned Mr. Simmons: Would you recommend a striping plan that shows a way to get from the sidewalk to the store? Possibly a crosswalk configuration that would be developed by Mr. McCabe subject to your review?

Mr. Simmons stated: Yes.

Mr. Flaherty questioned: Is there a sidewalk along the frontage there?

Mr. McCabe stated: No. There is a sidewalk on Main Street and on Nelson but there is nothing coming into the building at all. You have a concrete pad that runs along the south side, the east side, and the west side and a small amount of it on the north end also. It doesn't extend out to the main sidewalk on the road.

Mr. Flaherty questioned: How wide is that?

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Mr. McCabe stated: It could run from about 6' on the south side and a couple of feet on the other sides.

Mr. Flaherty stated: I was just wondering if there is a place they could be standing where they wouldn't be in the traffic lane.

Mr. McCabe stated: We will try to work something out on that.

Mr. Le Frois stated: The resolution should state provisions should be made to accommodate pedestrian traffic to the satisfaction of the Town engineer.

Mr. Russo questioned: Any additional noises, cow mooing?

Mr. McCabe stated: No.

Mr. Russo questioned: Any smells?

Mr. Soares stated: Just fresh bread.

Mr. Russo questioned: Will you have lots of recycling and garbage to dispose of?

Mr. Arechavaleta stated: We produce very little trash, cardboard boxes. No food waste. No cooking, heating or serving. No generator required.

Mr. Simmons stated: Will the traffic go the same way as it was when it was a bank?

Mr. McCabe stated: That is correct.

Mr. Simmons stated: There will have to be some additional signs like do not enter or one-way.

Mr. McCabe stated: Mr. Simmons and I can work that out.

Mr. Russo questioned: When will you open?

Mr. Soares stated: I'm hoping to be opened in October.

Mr. Soloway crafted a motion to approve the application for minor site plan approval as submitted with a couple of changes. One being the sign on the north face of the building will be internally illuminated. The second is an amendment to show they will not be removing the concrete wheel stops, the base of the existing sign will be abandoned or removed in addition to granting that approval as part of any approving resolution in order to allow the internally illuminated signs would be making a finding that these signs are in keeping with the architectural features of the building, that they don't conflict with the goals of the Master Plan and they are not a nuisance to the surrounding properties. The conditions, in addition to making those changes, would be that the applicant submits a copy of Exhibit A-1 to the Board Secretary, the hours of operation will be 5 AM to 11 PM, there will be no outside seating, striping plan for pedestrians to the satisfaction of the Town Engineer, onsite directional signage to the satisfaction of the Town Engineer. The grant of a storm drainage easement to the Town as per paragraph 5 of Mr. Simmons's report. Compliance with paragraphs 10b and 11 a b & c of Mr. Simmons's report. Correcting the plan to clarify the height of the fence to be 36". Changing of the plans

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to eliminate the reference to a menu board sign on the east elevation and designate it as an additional façade sign, compliance with the nit limitations and the illuminated sign ordinance, and with item 2vi of Ms. Caldwell's report. Compliance with current banking laws for lighting at the ATM to the satisfaction of the Town Engineer.

Mr. Flaherty questioned: With the standard sign that they're abandoning, it will be removed?

Mr. McCabe stated: That will be our option. The sign is gone. There is just a base.

Mr. Russo made a motion to approve the application. Seconded by Mr. Levante.

Aye: Mr. Flaherty, Mr. Majewski, Mr. Wink, Mr. Russo, Mr. Levante, Mr. Le Frois

Motion carried.

9:10 PM – break until 9:20 PM

Mr. Elvidge returned to meeting

United Methodist Homes of New Jersey – Bristol Glen Facility (#PFMJRSP-5-2017)
200 Bristol Glen Drive
Block 1.01, Lot 4
SD-7 Zone

The applicant is requesting preliminary and final site plan approval for proposed renovation and addition to the existing building.

Mr. Soloway stated: There is a technical variance required. There is a minimum of two-stories required in the zone and they are proposing only one. Since they are proposing a new building they will need a variance.

Mr. Wink questioned: I live near Bristol Glen. Should I step down?

Mr. Soloway stated: If you are not in the 200' you are not required to step down. But if you think your objectivity may be affected or that somebody in the public may perceive that your objectivity is affected by your proximity then you should recuse.

Mr. Wink stated: I can be up here.

Mr. Brady stated: I have no objection.

Mr. David Brady, Esq. of Brady and Correla is representing the applicant.

Mr. Brady stated: I want to clear up one item which is the bed count number. I have the Vice-President of Operations and the Executive Director on-site tonight. There are 233 beds currently. This project will add another 7 to bring it to 240 beds. We are still below what the original approval is. The additions are interior court yards, A & B on Mr. Anderson's plans. There are no changes to the setbacks as these are interior court yards. There are no changes to the water and sewer capacity. We are approved for 270 and we are well below that. There is no change in the traffic circulation or the traffic patterns. I have Paul Anderson, a Professional Engineer and

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a Professional Planner. I have Arch Pelley who is an Architect with the Architectural Firm. These are my two planned witnesses. If you have questions about operations, I have Carol McKinley here who is the Vice-President of Operations and George Arozo who is the Executive Director on-site.

Sworn in:

Paul W. Anderson, 40 Miller Drive, Boonton Twp., NJ. Bachelors of Science and Civil Engineering from Clarks University in 1983. Clarkson Anderson Consulting Services, Professional Engineer & Planner, 40 Miller Drive, Boonton Township, NJ. Professional Engineer in NJ since 1988. Passed Bar Exam 8 years ago. I've testified in front of Boards like this throughout the State for the last 27 years. License is current.

Arch Pelley, Architect, 1100 Liberty Avenue, Pittsburgh, PA. Graduated from the University of Connecticut with a Bachelors in Architecture, I have a Masters in Planning from the University of Virginia in 1995. Licensed architect in the State of Virginia. License current.

Board accepted qualifications.

Mr. Brady entered Exhibit A-1 Overall Site Plan Aerial View of Property dated 1/2017, sheet C-2 and Exhibit A-2 Colorized Version of Grading and Utility Plan dated 7/19/2017.

Mr. Anderson reference A-1 and stated: The property is 49.3 acres in the senior community zone. If you look at A-1, you can see at the bottom of the page is a long driveway coming into it from 206, so there is low visibility of the property. We have primarily a three-story complex. It was previously approved for 287 beds but they are only using 233. We propose two additions to the building. Here is the first addition which is the one-story addition. It's one-story with higher buildings around it. So the visibility is practically zero. The second addition is a small two-story addition with storage on the first floor and two bedrooms on the top level. That is completely blocked by the existing building and no one will be able to see it unless they are inside the courtyard. In the first building there are five proposed bedrooms. At the top of the page is the first addition which is one-story. In that courtyard we've had an addition from building to building. These are three-story buildings with a one-story building between. There is an existing retaining wall that is being maintained in the back and landscape the area between the retaining wall and the proposed first addition. In the new courtyard area we are going to have a circular path with stamped concrete with significant landscaping all the way around it. Landscaping that is appropriate for the individuals that will be at the facility. We will have six bollard lights around the pathway for evening illumination. It's not so much for the residents that will be out there in the evening, it's more for when they look out their window they light up the landscaping and creates visual stimulation from that perspective. The second addition is on the bottom of the page and it is a two-story addition. The rest of the courtyard is primarily the same. We have about 2600 square feet of additional impervious over what's there today. We have collected it and are actually detaining it in underground pipes. There are pipes that run from inlets in the small grass area between the wall and the addition. One of the questions in the engineer's report is what kind of ductile iron pipe. My intent is a class 52 cement line. I will put that on the plan. It's a solid drainage pipe, it's taking all the water and putting it into the existing inlet that goes to the on-site detention basin. The reason the solid pipe is not infiltrating into the ground is because of the limestone below and we don't want to introduce more water to the limestone to create a future problem. There are roof leaders for the second addition that are just going right into the inlet where the addition is. Other utilities for the site – sewer and water are all internal electrical connections. There is nothing outside the building that needs to be

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done. The parking lot, drive aisles are all remaining the same and as you can see these are hidden from and will provide needed additional space and have de minimis impact. Regarding the technical variance, the facility is an inherently beneficial use. Looking at detriments, it is not visible from the adjoiners. The principal building is over two-stories. This is just a small one-story addition to it. It's almost like having an enclosed porch that's one-story in front of your house; you still have a two-story house. When it's all said and done we have an inherently beneficial use with really no detriment. So the variance can be granted as it won't impact the zone plan or ordinance.

Mr. Brady stated: There is a comment in Mr. Simmons's report that the soil investigation did not indicate that any voids were detected and this should be checked by the applicant's consultant before construction is done. Is this correct?

Mr. Anderson stated: Yes. What we have done in our due diligence for this is when the last addition was built they had dug up limestone that had holes in it. They hired a geotechnical crew to determine what the deal is. They spent a lot of time grouting the holes that were in the limestone. So when we started this project we engaged them to do the geotechnical report for this project because they are familiar with the site. They did additional borings and did not notice any additional openings but they also should be brought on during the construction phase to observe construction and if there are any problems with the limestone under these additions then we should do the same thing they did previously in terms of grouting them.

Mr. Pelley reviewed A-2, the Colorized Grading and Utility Plan, and stated: We are taking out some square footage in here, the connecting walkway, and moving that walkway over to here and are creating five rooms for memory support on this portion and we are carving out space in the middle for two additional rooms; that's where you get the seven additional beds.

Mr. Brady questioned Mr. Pelley on the walkway being taken out: Was it a one-story structure?

Mr. Pelley stated: Yes. It is a one-story structure built against the retaining wall and we are simply moving that access. This addition is for two additional resident rooms because we are separating this facility into a rehab wing and household of skilled nursing; so this will be short stay and this will be long term care. It will be done in phases. We do the addition first and then concentrate on taking out the rooms and doing the other phases so we keep operations and bed count. We will keep this walkway intact. So we are always operational. It is a very detailed phasing plan, particularly around the skilled nursing and rehab because that is where the internal things happen the most.

Mr. Pelley stated regarding the lights: In addition to the bollard lights there are two sconce lights here and one sconce light here. They are all shining down so they do not shine in resident's windows but they do light the pathway and porch. That's the purpose of those sconce lights. They are drop lights, LED. The light source will not be visible to anyone just where it is lighting.

Mr. Pelley stated regarding HVAC: The additional HVAC units will be tucked into this corner so they are not visible. It is a small unit not much bigger than a household unit. It is screened in the courtyard from the building. There is a retaining wall on one side. It won't be visible or produce much more noise than a residential HVAC unit. It will not increase the noise.

Mr. Brady questioned Mr. Pelley: You heard Mr. Anderson talk about the technical variance. From an architectural point of view because the form based code deals a lot with architectural

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bulk and massing, does the fact that it's a one-story addition make any substantial change in the architecture of this building?

Mr. Pelley stated: No. There is an existing fence and the wandering garden. We are replacing this wandering garden as it is not safe for residents with memory support. This is all memory support so everyone has to be secured at all times. So it doesn't change anything inside or outside of the courtyard because there is a retaining wall.

Mr. Brady questioned Mr. Pelley: So looking at A-2, everything that is tan is a multi-story portion of this building?

Mr. Pelley stated: Yes. The first floor of this is a lower level. It's a single story.

Mr. Elvidge questioned: How is this phased? What starts first?

Mr. Pelley stated: They will happen at the same time.

Mr. Elvidge questioned: When the construction starts, where are they parking to work on the job?

Mr. Anderson stated: We haven't decided yet, but it will be onsite. We haven't hired a company yet.

Discussion ensued.

Sworn in: Dr. Carol McKinley, Vice President of Operations at Bristol Glen

Dr. McKinley stated: I provide the strategies for all the renovations for our communities. This is the third project that I've been involved in. The contractor we used in my last two buildings will probably be hired to do this. For instance, we just renovated the fifth floor of a five-story building. The construction materials were brought in by crane up through the windows and we had no incident. We phased that building so that we could ensure the residents were receiving proper care and were safe. We were very communicative with the families of those residents. I have a second building we are doing construction on the third, fourth, and fifth floors. It is the same contractor with experience doing this and they are very good at it and getting the materials onsite. We have had no issues in any other buildings.

Mr. Elvidge questioned: Are the hours of operation going to change because of the residents?

Dr. McKinley stated: They usually start work around 8AM and are offsite before 4PM. This is the residents' home and the contractor has always been very respectful about the work we have to do during construction.

Mr. Wink questioned: Will all in and out traffic be on Route 206?

Dr. McKinley stated: Yes. We just did the same when we put all those tension wires in. We were very communicative to the families and the residents who live there so they know what is occurring.

Mr. Levante questioned: To follow up on Mr. Elvidge's question. Will the contractors be accessing through the main entrance on Route 206 or accessing through the back on Douma?

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Dr. McKinley stated: They will likely be accessing through the main entrance which is what we did when we had to do the tension wires. Our residents know that it's the main entrance and residents see it and it is very protective. Our residents can see who is coming in or out.

Mr. Simmons referenced his report dated July 12, 2017 and stated: The applicants addressed all the comments that we had during the Technical Review Committee meeting. The items that I highlighted they addressed in the testimony tonight.

Ms. Caldwell referenced her report dated July 13, 2017 and stated: They addressed all my items also.

Application opened to public. None stepping forward, portion closed.

Mr. Soloway crafted a motion to grant preliminary and final site plan approval and a variance to allow the larger of addition to be one-story, it's been clarified that the application when the construction is concluded will result in a 240 bed facility. The applicant should submit a phasing plan to Mr. Simmons's satisfaction. The applicant to comply with item 3b in Mr. Simmons's report which is to do an investigation for voids to his satisfaction, to clarify on the plans that the storm drainage 52 cement line, to note on the plans that the light be left on for security purposes. I would suggest that the plan be amended to Mr. Simmons's satisfaction to show where the additional HVAC unit will be. An as-built plan is required and the usual conditions.

Mr. Flaherty made a motion to approve the application. Motion seconded by Mr. Majewski.

Aye: Mr. Flaherty, Mr. Majewski, Mr. Wink, Mr. Russo, Mr. Levante, Mr. Elvidge, Mr. Le Frois

Motion Carried.

DISCUSSION – Holiday Inn Express.

Mr. Simmons stated: Mrs. Citterbart sent this to me to review. The Holiday Inn Express would like to install 4 or 5 car charging stations for electric vehicles. Each station would be about the size of a parking meter. It would be free of charge to a hotel guest. It is not a separate monetary charge for it. It is similar as to when vehicles pull up at a bus terminal, they have to park in a lot for a certain amount of time, but in this they will be charging their batteries. My thoughts are that when we've seen anything come in for the Holiday Inn in the past as far as lighting changes, etc. the Board has wanted to see it. Which is why we are discussing it now. I read in the paper a few weeks ago Volvo said that in the future their cars will be all electric or at least hybrid. I think there are going to be a lot more charging station going forward. Just want the Board to think about it.

Mr. Soloway stated: I agree. This one looks fairly innocuous. But under the ordinance it probably requires site plan which would seem a little ridiculous here. But on the other hand, you can't just say that anyone can put in a charging station anywhere. You can bless this one but maybe it's something that we should think about in the ordinance or a way to deal with this.

Mr. Le Frois stated: I totally agree. Being in transportation as part of my work I've observed that that is what's wrong with the current future of infrastructure funding. The use of gasoline is dropping. One thing I would mention with charging stations that I've seen in other locations is

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they basically reserve the parking space for electric vehicles. I don't know if that would decrease their parking count. If you have a regular car, they don't want you to park there and it is marked almost like a handicap parking spot. We would have to figure out how that would be counted.

Mr. Soloway stated: I don't know how you could do that in an ordinance because I think the number of electric cars are going to increase so dramatically that I don't know how you could establish any kind of standard that you can make now that would be relevant a year from now.

Mr. Le Frois questioned: Have these replaced other parking spaces?

Mr. Simmons stated: At the hotel they are by the retaining wall closest to North Park Drive. I believe they are existing spaces.

Mr. Le Frois questioned: Do they have enough parking otherwise.

Ms. Caldwell questioned: Are they exclusive to electric vehicles?

Mr. Simmons stated: I didn't read anything about that.

Mr. Levante stated: I agree. We are heading in that direction fast. I saw the same article on Volvo. It's going to come very quickly. We need to create an ordinance allowing us to be able to manage it and still encourage it. It will help to keep Newton on the cutting edge. That is the direction I would like to go.

Discussion ensued.

Mr. Le Frois stated: What's the question? Whether or not we need to put an ordinance together?

Mr. Soloway stated: What to do about the Holiday Inn.

Mr. Le Frois stated: I would respond back and wish them well. I would ask if they are going to designate those spots exclusively for electric vehicles. Everything I've seen, the places have designated them and painted on the pavement for electric vehicles only. I think it's a circle with a big E in the middle. Other than a response I don't think we need to do anything.

CORRESPONDENCE – Reviewed

Resolution #116-2017 – Appointment of Mayor as a Class I Member of the Newton Planning Board.

Resolution #117-2017 – Appointment of Town Council Representative as a Class III Member of the Newton Planning Board.

Resolution #120-2017 – Appointment of Mr. Wayne F. Levante as the Town Council Liaison to the Economic Development Advisory Commission.

Resolution #121-2017 – Appointment of Ms. Sandra Lee Diglio as Town Council Liaison to the Historic Preservation Advisory Commission.

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EXECUTIVE SESSION - None

PUBLIC PORTION - None stepping forward

ADJOURNMENT

Mr. Levante made a motion to adjourn the meeting. Motion seconded by Mr. Majewski. The meeting was adjourned at 10:04 PM with a unanimous "aye" vote. The next meeting will be held on August 16, 2017 in the Council Chambers of the Municipal Building.

Respectfully submitted,

Katherine Citterbart
Planning Board Secretary