

TOWN OF NEWTON
PLANNING BOARD
July 17, 2019
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. Board Secretary Mrs. Citterbart stated there was a quorum.

SALUTE TO THE FLAG: Was recited.

OATH OF OFFICE:

None

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Wink, Mrs. Vrahnos, Ms. Hall, Mr. Couce, Mrs. Le Frois, Mr. Flynn, Mr. Russo, Mr. Le Frois

Excused: Mr. Marion, Mr. Ragsdale

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

THE SUNSHINE STATEMENT: Was read.

CONSIDERATION OF MINUTES

June 19, 2019

A motion was made by Mr. Flaherty and seconded by Mrs. Vrahnos to approve the June 19, 2019 meeting minutes.

AYE: Mr. Flaherty, Mr. Wink, Mrs. Vrahnos, Ms. Hall, Mr. Couce, Mrs. Le Frois, Mr. Flynn

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

None

OLD BUSINESS

None

SECTION 31 REVIEW:

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Sussex County Community College (#PB-6-2019)
Block: 3.01, Lot: 19
SD-2 Zone

The applicant is looking to replace their electric message board.

Mr. Soloway gave an overview of what a Section 31 Review entails.

Cory Homer represented the applicant.

Mr. Homer stated: We are proposing to remove the current board which is an amber colored board and replace it with a full color board. The new board will have a dimmer which will comply with the specs in the Code which is 10,000 nits in the day time and under 500 at night time. This puts it more in line with the Code than our current board does. With that dimming capability we will be able to adhere to this Code much better. The new board is wireless. If you've driven past the school in the last week you will notice it is on the FAFSA message. The current board is on a dial up connection. So we will be replacing all of that technology and changing the board itself. The footprint won't change.

Mr. Wink questioned: Is the square footage the same?

Mr. Homer stated: It will be 14" higher. There were questions from your engineer. One question was regarding the dimmer and brightness which we've addressed. The second is regarding video enabling which is not permitted and we are not doing. The third is regarding the footing. We are using the existing foundation and existing posts.

Mrs. Le Frois stated: This sounds similar to the signs that The Mitchell Agency and Karen Ann Quinlan have put up.

Mr. Simmons stated: I would add that I am glad to hear that the foundation and the footprint of the foundation is not going to change. When you constructed the 12" main for water up Mill Street we specifically went around the existing footing with that main so it won't be bothering with that.

Ms. Caldwell stated: Will you be keeping to the ordinance requirements of message changes no more than 15 seconds?

Mr. Homer stated: Yes.

Ms. Caldwell stated: I do not find it inconsistent with the Master Plan.

Portion opened to the public. None stepping forward. Portion close.

Mr. Soloway stated: There are no changes in the footings. The sign complies with the standards and requirements of the digital sign ordinance.

Mr. Flaherty made a motion to find the application not inconsistent with the Master Plan and recommend that the footings not change and that there be substantial compliance with the Digital Sign Ordinance requirements and direct the Board Secretary to send a letter to the County College so stating. Mrs. Le Frois seconded the motion.

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Aye: Mr. Flaherty, Mr. Wink, Mrs. Vrahnos, Ms. Hall, Mrs. Le Frois, Mr. Flynn, Mr. Russo, Mr. Le Frois

Motion carried.

DISCUSSION

"Town of Newton Master Plan Reexamination Report Pursuant to N.J.S.A. 40:55D-89"
Jessica Caldwell, P.P., A.I.C.P., Town Planner

Ms. Caldwell stated: We did notice for a Public Hearing on this so it is beyond a discussion.

Ms. Caldwell gave an overview of the Master Plan Reexamination report dated July 17, 2019.

Mr. Le Frois questioned: Will these recommendations go to the Town Council for their consideration?

Ms. Caldwell stated: Yes. They will be copied on this report which will make them aware of these recommendations from the Planning Board. They also have two members sitting with us tonight.

Mr. Le Frois stated: Then this document would also formally update the Master Plan with the recommendations that are in here as well. So that would be attached to it?

Ms. Caldwell stated: Yes. Mr. Soloway and I have spoken about the findings for the proposals for the Master Plan update. He drafted a resolution, which he can speak to, which would formally incorporate those into the Master Plan so we don't have to do another document to update the Master Plan since they are not sweeping changes.

Mr. Flaherty stated: As a follow up to the recommendations to the Town Council on some of these changes, on item #6 regarding parking changes. Would the proposed ordinance then come back to us for some comment?

Ms. Caldwell stated: Yes. It would be up to the Council to take these recommendations or not. If they do, they would draft an ordinance that would come before the Board for a consistency review with the Master Plan and for comments. Similar to a Section 31 Review. If there is something you think can be better or different then you would make those recommendations. We try to stay more general within the Master Plan and get more specific with the ordinances.

Mrs. Le Frois stated: I have one comment. Since we reference the proper name of a couple of institutions I just wanted to really make changes to properly reflect the actual names. For instance, you wrote Sussex County College and left out the Community. Also, Newton Medical Center, should it be Atlantic Health?

Portion opened to the public. None stepping forward. Portion closed.

Mr. Soloway stated: There is a proposed resolution reflecting the updates to the current Master Plan. The MLUL provides that all municipalities are required to periodically reexam the Master Plan policies, assumptions, zoning restrictions and regulations and to prepare and adopt a resolution. The findings of such reexamination recites that the Board has conducted periodic reexaminations of the Master Plan in the past as required by the statute. It states that notice was

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provided in accordance with the statute. We've had the public hearing. On the reexamination, it recites the Town Planner has prepared the Master Plan Reexamination report that includes recommendations for amendments. It states that the Board determines after reexamination of the Master Plan and after deliberation that the Master Plan should be amended to incorporate the proposed changes. That you've determined that the adoption and implementation of the amendments are in the public interest and promote the general welfare and accordingly by this resolution approve the Master Plan Reexamination Report and recommend amendments to the Master Plan and formally accept the findings and recommendations set forth in the report and to amend the Master Plan by adopting the Master Plan changes set forth which is incorporated in the resolution. Further resolve to direct the Board Secretary to send a copy of the adopted Reexamination Report and amendments to it and this resolution to the County Planning Board and to the Municipal Clerk for each municipality adjoining the Town as required.

Mr. Flynn made a motion to approve the resolution. Mrs. Vrahnos seconded the motion.

Aye: Mr. Flaherty, Mrs. Vrahnos, Ms. Hall, Mr. Couce, Mrs. Le Frois, Mr. Flynn, Mr. Russo, Mr. Le Frois

Nay: Mr. Wink

Resolution approved.

Ten minute break.

NEW BUSINESS:

**KWest Properties, LLC (#PB-3-2019)
Block 8.08, Lots 10 and 23
134 Spring Street**

The applicant is requesting a minor subdivision and site plan approval to construct a four-story building with commercial on the first floor and residential on the second, third and fourth floors.

Jessica Caldwell stepped down from the application as she is within the 200' list. Matthew Morris is attending to this application as the Conflict Planner.

Mr. Le Frois recused himself from the application as he works with the applicant's attorney.

Mr. Soloway led the Board to vote on an Acting Chair, since the Deputy Chair was not there.

Mr. Russo made a nomination for Neil Flaherty to be Acting Chair for this hearing. Mr. Flynn seconded it.

Aye: Mr. Wink, Mrs. Vrahnos, Mr. Couce, Mr. Flynn, Mrs. Le Frois

Nomination approved.

Glenn Gavan, Esq., of Gavan, Criscolli & Lenar represented the applicant.

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Mr. Gavan gave an overview of the application and stated: I am representing KWest Properties, LLC, the owner of the property in question and the applicant is here. As stated the property is at 134 Spring Street. We are seeking minor subdivision and site plan approval and a couple of variances are also required. With regards to the subdivision we are going to ask to annex 10' wide by 155' strip that sits between where our building is located and the drive alley. If you look at the back of the building, that front jut of the building was somehow built 30 years ago not on property that the building owner owned. That whole width of that building and straight back is the subdivision area that we are seeking. We propose to tear down the building and put up a four story building in the T-6 zone. The present plan that you see shows a restaurant on the ground floor. That is only because that is the hardest and most expensive business for a developer to plan for. In reality any viable, commercial tenant that is allowed will not be turned down. We are not tied to a restaurant. Putting the exhaust systems in this space is the hardest and most expensive plan. The top three stories are intended for residential use. There will be a total of 26 residential units proposed. As you'll see depending on how the field work goes with construction, the basement is set up for storage areas for commercial uses as well as some of our infrastructure. The storage area is planned for the tenants if it can stay. It may not if the real world conditions don't allow for it. The variance required for the T-6 zone is for lot coverage. Currently our calculations are 98%. Your professionals pointed out that in reality it is more like 100% where only 90% is permitted. The building at the moment is on someone else's property. But we are calculating it at 98%. We are also going to need a variance with regards to the front yard where the building currently sits. It is a minimum of 2' and no more than 12'. We are right on where the building is currently, which is a couple of inches too close. Your professionals also indicated in their reports that the subdivision area of the lot is under the McGuire Redevelopment Area. Our Planner will testify that we don't necessarily believe that is the fact and since we are annexed to the T-6 area we are asking you to consider it in that zone and we are not proposing a 10' side yard setback. We will have testimony from Mr. Wayne McCabe our Planner and Mr. Ashworth our Architect and a NJ licensed Engineer who also does work in NYC and is familiar with demolishing buildings that are right next to another.

Sworn in:

Mr. Wayne McCabe, 125 High Street, Newton, NJ.
Mr. Paul Ashworth, 49 Old Creamery Road, Newton, NJ.
Mr. Harry Typan, 50 Tye Street, Sparta, NJ.

Mr. McCabe stated his credentials as a Professional Planner. His license is current.

The Board accepted his credentials.

Mr. McCabe described the building and stated: The property right now measures 50' across in width and is 115.5' in depth. As Counsel has indicated, we are looking to acquire a 10' wide strip which is right now predominantly grass, which would make it 10' wide by 115.5' in distance and length. This would make it a 60' wide lot. Right now the site itself has a driveway leading around to the back and down the side coming from Adams Street and providing a point of egress from Spring Street to the parking. The building as it stands lies in the T-6 transect zone. I think it would be helpful if I gave you a brief history of the building. Back in the 1870's the Town of Newton was starting to see expansion. There was a three story building constructed on that site with a commercial first floor and the top two residential. In about 1906 the Waldmere was built next door as a hotel with a restaurant on the first floor. A few years later the building on this site was added onto in the form of a fourth floor with a mansard roof. In October of 1940 the

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four-story building burned. It basically took it right to the grade. The owner sold it to the A&B Supermarket Company and became the building you see there now. That was opened in 1941. The building has gone through several uses since then. The last one was Bula Restaurant. That was vacated a little over 10 years ago now. What we are looking for is approval on two applications. One is for a minor subdivision and one is for a preliminary site plan. In terms of the minor subdivision, we are looking to take a small wedge of lot 10 and to upend it to lot 23 which the applicant owns. There will be no new lots created as a result of this subdivision. In the application package you have a copy of the letter from the McGuire's indicating that they consent to this application and that they have entered into a contract with Mr. Kwesela in order to acquire the property from them. That has been executed and good faith money has been given already. In terms of the land itself, the existing parcel, lot 23 was within the T-6 zone. The other parcel, which is lot 10, and includes two other parcels belonging to the McGuire's also lie within the T-6 zone. But those three parcels taken together are part of a Redevelopment Plan that the Town has adopted. On the front sheet of the plan that our office prepared we have the bulk requirements for the Redevelopment Plan area. We are looking to expand the property so we can create an area we can build on and get the type of use that we are looking for there. I would add that the lot is 60' wide following the subdivision and the building itself is 59' wide so it will not be going the full width of the lot. There is nothing very complicated about the subdivision. Our position here is that the McGuire Redevelopment Plan had indicated which parcels were within the Plan area and identified them by tax block and lot number and not by metes and bounds. Our position, simply stated, is that once you take a piece of lot 10 out and upend it to lot 23, you have effectively removed it from the Redevelopment zone and because it's now part of lot 23 it falls within the guidelines of the T-6 zone.

Mr. Soloway stated: For what it's worth, I understand the argument; I realize that it is indicated by block and lot in the Redevelopment plan. It's also depicted in that plan and in my mind that you can't subdivide out of a zoning district. Which is in effect what the applicant is arguing that they should be allowed to do here. So I believe that tonight it is in the Redevelopment area and no matter what happens with this, perhaps an amendment to the Redevelopment Plan by the governing body. That's not to say that the applicant can't seek variance relief to the extent it is needed because of non-compliance with any of the zoning requirements of the Redevelopment area. Based upon the reports of the Board professionals and Mr. McCabe's submission there is one deviation from the Redevelopment Area requirements.

Mr. Gavan stated: It's our position that the underlying zoning is still T-6. We are asking you to consider that. We are asking for you to consider the McGuire Redevelopment side yard setback as a variance. The majority of the property is in the T-6 zone so most of our design reflects that zoning plan.

Mrs. Le Frois questioned: Mr. Morris, what is your opinion?

Mr. Morris stated: I would agree with Mr. Soloway. It is like split zoning. We have discussed this and came to the agreement that even though it is an overlay zone it will have to conform to that zone and abide by it.

Mrs. Le Frois questioned: In regards to the Redevelopment Plan that was written for those parcels, doesn't this project in fact support the development that was written?

Mr. Soloway stated: The deviation is a bulk deviation; not a use deviation. The proposed use would not violate the Redevelopment Plan.

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Mr. Gavan stated: We don't want to argue this to death, but we just want to put it on the record that we hope that we get the variance we need for the Redevelopment Plan. The Board professionals indicated the need in their reports so we did include it on the second submission. There is no intention to hide from it.

Mr. Gavan questioned Mr. McCabe: Let's move away from the Redevelopment Plan for a while and talk about the site plan.

Mr. McCabe stated: In terms of the preliminary site plan, the building is as you see on the board. The building is a four-story building with a mansard roof. Architecturally it fits in with the street scape. It also complies with zoning in regards to use, commercial on the first floor and residential above.

Mr. Gavan questioned: Have you reviewed the McGuire Redevelopment Plan criteria for buildings?

Mr. McCabe stated: Yes, I have.

Mr. Gavan questioned: Can you give us your opinion of this building fitting into that plan?

Mr. McCabe stated: One of the things that the McGuire Redevelopment Plan calls for is to have a building designed so it is sympathetic and blends in with the architecture of the street scape. In this case, of Main Street and Adams Street. This would be considered a side lot. The other side lot is the one that butts up both against the County Historical Building and the Cemetery. That being said, the intent of the Master Plan in the Redevelopment zone was to have a building that will work visually with the site and the other buildings and have a visible relationship with them in terms of amassing the number of openings in the building, the height of the building, the materials used, the colors. The maximum height allowed in the Redevelopment area and the T-6 zone is 8 stories. We are looking at coming in half that height. In this instance, because it's on Spring Street it will blend in with each building and the street scape as a whole. This was presented to the Historic Commission and they agreed that it is the case. In the requirements of the Redevelopment Plan it also talks about how far you can have setbacks and that's reflected on the revision of my first sheet where I talk about the fact that you have to have at least in the front yard, 15' off of Adams Street. This is not applicable to Spring Street, and 0' for Main Street. Spring Street is considered a side yard in this case. If you look at the area that the driveway is located in now plus the 10' strip it is only about 33' wide. You could not get a building in there independently of any other building. The Master Plan for the Redevelopment area did not envision anything there in terms of an independent structure. Our position simply is that the building that is being proposed incorporates a 10' wide section of the Redevelopment area in an area that the Plan did not really think about having anything there.

Mr. Gavan questioned: Why don't you address the criteria needed to grant the variance for the setback we are seeking which is 1' as opposed to the 10'. You just testified that the building will only be 59' of the 60'.

Mr. McCabe stated: In the Redevelopment area the side yard required setback is 10'. We are proposing 0'. The reason for that is that no other building on Spring Street has a 10' offset from the property line with the exception of one. That is the old firehouse. The reason they had that was for the fire equipment and backing it in and out. That was a physical requirement. But

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every other building is at the frontline of their property. We are talking about conforming with the street scape and the intent of the development is reflective of what was there. The building is going to be constructed on the same footprint that is there now and has been there since the 1870's. I would submit to you that the deviation that is requested is not out of keeping with the intent of the T-6 zone. And we are filling the intent of the Master Plan in terms of Spring Street and also the Redevelopment zone in terms of the design of the building. What I'm suggesting here is that approval for the reduction from 10' to 0' for the side yard setback based on the Redevelopment area plan, can be granted because it is really reflective of the buildings that line Spring Street right now. And that to require it to be setback 10'

Mr. Gavan questioned: If this was just in the T-6 zone and not a Redevelopment area would there be a side yard setback variance needed?

Mr. McCabe stated: No. Side yard setbacks in a T-6 are a 0' minimum and 24' maximum and we are a 1' setback. It is a front yard setback that we are seeking a change for.

Mr. Gavan questioned: Why don't you discuss the variances we are requesting for this building in the T-6 zone?

Mr. McCabe stated: Based on zoning requirements for the T-6 zone there are two variances. One addresses lot coverage and the other is the front yard setback. Lot coverage is allowed at 90%. We have calculated it at 98%. Your professionals suggested it's closer to 100%. Right now the building as it stands on its 50' wide lot is about 98-99% coverage. So there is no difference between what we are looking to have and what exists right now. I think in that instance because there are small lots with buildings that fill the lots traditionally to the full limit on Spring Street. I'm suggesting to you that it makes a lot of sense to permit that and that because of the nominally change it would not be detrimental to the intent of the Plan. I would also suggest to you that requiring the front yard setback of the T-6 on Spring Street would create a break in the entire rhythm of all the buildings on Spring Street. All of them are basically shoulder to shoulder within inches of each other on the front with the exception of the Fire Museum. My position as a Planner is simply that this is a pattern of development that has taken place over a number of decades and in fact a couple of centuries. Allowing that to continue would make good planning sense. The other issue is lot coverage. You have 90% maximum; 98% is where it is now. We are proposing 98 to 100%. Given the configuration of the building we are looking at keeping with the style of the Spring Street area. As a Planner it makes a lot of sense to go to the full depth and full width like has been proposed today. With a 10% reduction in lot coverage you would be rendering a lot of the area in utility. It would require a considerable cut back in the redesign of the building. In that regard it will be detrimental to the development we are looking to have on Spring Street which is residential above commercial.

Mr. Gavan questioned: Even though part of the building closest to the driveway is built there and not even on our land, is our proposal to go straight back along the line and not encroach any further?

Mr. McCabe stated: Yes. That is correct. That little bump out that you see there is as far as we are going to go out. It is about 8" off that side. So it will be one foot off the property line as you go down the driveway.

Mr. Gavan questioned: Do you have testimony in regards to parking and other issues?

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Mr. McCabe stated: Yes. I want to address several things. The first one would be about drainage on the site. Right now the existing building on the right side toward the driveway has scuppers so the flat roof physically drains out the side, down to the grass, and down onto the driveway. So you are getting almost 100% deposit of stormwater onto the driveway coming onto Spring Street in a heavy rain. What we are proposing here is that the stormwater collection system for the proposed building will carry it all internally. So it will be brought down inside the building, not outside, and directly in front of this building is a b-inlet that we are proposing to tie into. We are also proposing to eliminate the three rather haphazardly positioned stormwater catch basins at the base of the driveway. They are in such position and configuration so as to not get all the stormwater that is coming down that driveway. We are proposing a trench drain that will be large enough to carry the load of the stormwater coming down the driveway and not permitting it out onto the sidewalk. Dave Simmons has asked for drainage calculations and those will be provided. In this regard we are cutting dramatically down on the amount of stormwater entering the system off the driveway and making it much safer in terms of this site and all the stormwater. Right now it comes from the driveway up to the wall of the sidewalk. The canopy of the building as you can see in the image that has been provided will be a structural canopy with a glass top with iron.

Mr. Soloway questioned: For the record, what image are you referring to?

Mr. McCabe stated: It is the one up on the video board. You will see that on the first floor on the front on Spring Street is where you will see the canopy. Again it is a structural canopy and made out of metal. It will have glass that will allow daylight to come through. The arched support for the canopy will have LED lights on them, architectural lights. They are not there to provide full illumination on the sidewalk. We do have one of the light standards in front of the building. We are also looking to put in other lighting behind the face of the building, near the doorways leading into the apartments on the left and the commercial area in the middle. The plan that I was mentioning before has the ??? pattern on it so you can see how far out the light is thrown. In terms of the canopy itself I would suggest that it is historically accurate for our area. If you look at the photograph in the hall here, that was taking in the 1900's. There are structural canopies up and down Spring Street to provide protection for pedestrians, to block light getting in window, and for loading wagons that were backing up to the door to deliver supplies. So we have that as a precedent for having a structural canopy across the front of the building.

Mr. McCabe continued: In regards to lighting, you will have the architectural lighting under the canopy. You will have lights on either side of the doors leading into the residential area and the commercial area. In the back of the building along the driveway there will also be lights. Similar to what we are proposing for wall mounted lights, they will provide light across the back of the building. The issue of signage has been raised by your professionals. Right now we do not know what kind of commercial establishment will occupy the first floor so we can't address what type of sign. But I can tell you there will be one sign there for both residential and the commercial. It will be the letter and the numbering of the different parts of the building and the street address. This will be in the transom above the doors. Again it is a traditional location for that.

Mr. Gavan questioned: Does the applicant understand that when a tenant comes in they will have to meet the sign ordinance and come back and make sure they do?

Mr. McCabe stated: Yes.

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Mr. McCabe continued: In terms of landscaping, your professionals pointed out that there is one tree in front of the building. If the tree is somehow damaged during construction, we propose to replace it in kind. What you see there now is what will be put back. I put on my plans a tree planting detail to show what it is that we will be doing. Because we are up against the property lines on the front and toward the back there is no room for landscaping. However, there is a small wedge of land in between the building on the right side and the curbing. That area may be used for landscaping in the future. We haven't gotten there yet. The issue of dumpsters was also raised in terms of the units that have been proposed for this site.

Mr. McCabe referred to A-1 and A-3 on the site plan and stated: You can see on the one plan where it says KWest Properties. What you are looking at here is the location where the dumpsters will be recessed into the back of the building so they will be out of the way. They won't be visible from Spring Street at all. We will most likely have a small light above each dumpster in case anyone wants to use it at night. We have not proposed any gates or other enclosures because of where they are and having to try to open up the gates in time and ultimately for the garbage collection and in terms of the fact that we are totally hidden from view from Spring Street and the general public eye. In terms of water and sewer connections, we have not yet determined the amount of water that is going to be required from the fire suppression system. The mechanical engineer will be doing that. Once that's been done, it will also determine what size the two water mains are going to be required to be. One for potable water and one for fire suppression and what size the sewer line is going to be. Once it is done the site plan will be modified to show that and also include the appropriate construction details for trenching the pipes in and also for the connections to both the sewer and the water mains are going to be included on the drawings.

Mr. Soloway questioned: When you say you will modify, will you come back to the Board on that?

Mr. McCabe stated: We think the Board could have it subject to Dave Simmons approval rather than coming back to the Board because it's a technical issue. We've shown on the plans the water and sewer coming into the building. Now we are modifying the size of the pipe, the type of the pipe, and the kind of connection.

Mr. Gavan stated: Of course it would be your Engineer's final say. If the parties can't agree then they would have to come back to the Board.

Mr. McCabe stated: In terms of parking, there was a concern that was addressed late last year. We spoke with the Town Manager about it and we also appeared before the Town's Parking Authority. An analysis was done of where the designated parking spots were for overnight accommodations for people living in the Spring Street area. It was finally determined that there were only a few spots that were made available for overnight parking in the Central Plaza, immediately across from Town Hall. What the recommendation from the Parking Authority going to the Governing Body was to make the entire parking lot available for overnight accommodations. It would have to be by permit like any other overnight accommodations are in municipal lots. That was passed by the Parking Authority and then approved by the Governing Body as an ordinance change. So we now have the entire parking lot across the street from this building available for overnight parking by residents.

Mr. Soloway questioned: How many spaces will you need?

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Mr. McCabe stated: We are looking at 26 spaces for the cars. One space per unit. If one of the two bedroom units had two cars then they would have to get two permits.

Mrs. Vrahnos questioned: Is it one space per apartment or two spaces? Suppose you have two people living in the apartment and they have two cars.

Mr. McCabe stated: Then they would be required to obtain a second permit.

Mrs. Vrahnos stated: So 26 apartments with two people could potentially be 52 spaces.

Mr. Gavan questioned: Have you had conversations with adjoining property owners regarding parking?

Mr. McCabe stated: Yes. I've spoken with the Sussex County Community College President, Dr. Jon Connelly. He has not only offered his encouragement for the project, but also indicated the willingness on the part of the College to work with us on the parking issue on the lot immediately joining us. There is a driveway in the back of our building that goes up a grade slightly and has a chain link fence. It would be in the back of the Post Office building. It would be out of the way of where students park for when they go to class in the old McGuire building.

Mr. Soloway questioned: Do you not know how many spaces you will need?

Mr. McCabe stated: We have discussed it with him but it still has to be worked out with a memorandum of understanding.

Mr. Gavan stated: Mr. McCabe is finished with his testimony. Are there any further questions from the Board?

Mrs. Vrahnos questioned: What is considered the front yard and what is the side yard?

Mr. McCabe indicated on the screen and stated: If you are looking from the T-6 requirements, the front of the building is on Spring Street and is considered the front yard. This would be the side yard. The rear yard would be the back.

Mrs. Vrahnos stated: So you have two side yards, a front yard, and the back yard is towards the McGuire lot.

Mr. McCabe stated: Correct. If you look at it from the McGuire Redevelopment Plan the only place you can have front yard requirements is as the property fronts on Main Street and on Adams Street. The two remaining sides of the property, the one side fronts to the County Historical Society and the other property is on the side yard.

Mrs. Vrahnos questioned: Where are you asking for the variance?

Mr. Soloway stated: You have the frontage on Spring Street for T-6 zone purposes. But for Redevelopment Area purposes because of the configuration of that lot is the side yard. It needs a side yard variance, although he denies it because he says it's not going to be there anymore, from the Redevelopment Zone requirements.

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Mr. Flynn stated: I think it's important to point out, I understand the discrepancy between the side yard and the front yard and it has to be mentioned for testimony purposes. But the front yard is facing Spring Street and the side yard is facing the auxiliary driveway. If you look at in terms of the Redevelopment Plan it's an abstract way to look at the front yard for that parcel. Because we are talking about a building on Spring Street and not a building that is connected to a development that doesn't even exist.

Mr. Soloway stated: Technically, as I said, a part remains in the Redevelopment Area. But what you've just said is certainly grounds to grant a relief from that because it is a very odd situation. I guess your point is that functionally the front yard of this property is on Spring Street.

Mr. Flynn stated: Yes. But I do understand why it is being referred to as another front yard.

Mrs. Le Frois stated: The reality is that we are dealing with this building and this project as not part and parcel of a Redevelopment Plan that is a part of other parcels. So also a distinction.

Mr. Flynn questioned: Do we have conclusive numbers on the parking? How many do we have in the lot across the street?

Mr. Russo stated: The lot across the street is not exclusive to this project. Nor are any overnight spaces exclusive to any other property in Town. Correct?

Mr. McCabe stated: Correct.

Mr. Russo continued: So you have 26 apartments and you might have 26 vehicles or 52 vehicles or something in between. So the residents will have to come to the Parking Authority and pay for their permits unless the developer is including that in the rent for these apartments. And they will have to find spaces just like every other resident in the Town of Newton. Correct?

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

Portion opened to the public.

1st Public: Bobby Kasolas, Esq. from Brock, Eicher, LLC. represents Sakel-Grapsas, Inc. which is the owner of 144 Spring Street, Newton, NJ.

Mr. Kasolas questioned Mr. McCabe: What books have you written about the history of particular buildings in Newton?

Mr. McCabe listed the three books that he had written or illustrated; "A Penny a View", "Around the Green", and a third one.

Mr. Kasolas questioned: In any of those books did you ever mention the Waldmere Hotel which is directly adjacent to the proposed project?

Mr. McCabe stated: Yes. I wrote an article for the Herald about a year ago.

Mr. Kasolas questioned: Were you actually married at the Waldmere?

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Mr. McCabe stated: No. We were married on the street and had the reception at the Waldmere.

Mr. Flaherty interjected: You are supposed to be asking about his testimony.

Mr. Kasolas stated: It is surprising that you did not mention the Waldmere during your testimony today.

Mr. McCabe stated: No. I was testifying about the proposed building.

Mr. Kasolas stated: Your testimony said that one of your responsibilities as a professional planner is to make sure the particular new proposed project blends in and integrates well with the existing buildings at that particular location of the Town. I didn't hear you analyze how this building has any impact on any other buildings on Spring Street. Correct?

Mr. McCabe stated: I did testify to that.

Mr. Russo stated: This is supposed to be questions to the individual on his testimony not your pontification and passing out hand-outs. You're not putting on a case.

Mr. Kasolas stated: I'm cross examining him.

Mr. Soloway stated: You can't be introducing exhibits during a cross examination, you have the right to do that later.

Mr. Kasolas stated: It is not my intention to hand anything out.

Mr. Gavan stated: I do object. There was testimony about the next door properties and the fit of this building with the entire Spring Street area. If the question is about specifics, I don't think that is necessary or part of the testimony.

Mr. Kasolas stated: I would ask that there be no speaking objections by opposing Counsel and no cross-examination and allow further leeway than under direct examination.

Mr. Gavan stated: We're also allowed to object under cross-examination.

Mr. Kasolas stated: You can't tell them what to say.

Mr. Soloway stated: He can object. I'm not sure how he can object without speaking.

Mr. Kasolas stated: He can object but he can't tell his witness what to say.

Mr. Gavan stated: I take offense to the characterization that I'm violating some kind of ethics rules by telling my witness what to say. All I said is what I heard the testimony to be for the record and I acknowledge that you may not have been able to hear it all because of sound issues.

Mr. Soloway stated: I'm sure Mr. Gavan will use his discretion and he does have the right to object.

Mr. Kasolas stated: He can object but he cannot tell him what to say.

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Discussion ensued between Mr. Gavan and Mr. Kasolas.

Mr. Kasolas stated: I object and ask that any testimony by Mr. McCabe regarding his conversation with the President of the College be stricken because he is not here tonight.

Mr. Couce questioned: As a point of inquiry, how is the timing kept?

Mr. Kasolas stated: I'm not a member of the public, I'm an objector.

Mr. Soloway stated: An objector is not subject to the five minute rule. If your objection is that Mr. McCabe said that he spoke with somebody else about something, decisions before this Board are not required to follow the strict rules of evidence.

Mr. Kasolas stated: That's fine but he can't just come in and say "this person told me that about parking". I ask that that testimony be stricken out.

Mr. Soloway stated: It can't be stricken so let's move on.

Mr. Kasolas stated: Then I go back to my original point. During the testimony you did not talk about specifics on the Waldmere. Why not?

Mr. McCabe stated: Because I am looking at this building on the site given the current zoning. Which is what, as a Planner, I'm supposed to do.

Mr. Kasolas stated: According to Municipal Land Use Law you are not. You have to make us understand the positive and negative requirements.

Mr. McCabe stated: I'm not into a use variance.

Mr. Kasolas stated: Did you perform any analysis on the impact the proposed building has on other buildings on Spring Street in regards to historical significance?

Mr. McCabe stated: Yes. I was County Historian for 14 years.

Mr. Kasolas questioned: In regards to the Waldmere Hotel building next door, what analysis did you do in regards to this application?

Mr. McCabe stated: Yes. I looked at that building and the one on the other side of the driveway from the site. If you look at the rendering in front of you, you will notice that both the Waldmere and the other on the other side of the alleyway are four stories in height and they all have mansard roofs. The mansard roofs were used quite extensively in Newton and particularly around Spring Street. This does blend in architecturally with that. The fact that it is four stories makes it very harmonious in terms of the streetscape and its visual impact upon the street.

Mr. Kasolas questioned: Let's start with the stories. What are the ceiling heights of each floor?

Mr. Soloway questioned: What is the relevance of the ceiling heights? Any deviations of the ordinance relates to the maximum lot coverage and the setback. It's not relevant.

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Mr. Kasolas stated: I respectfully disagree with you.

Discussion ensued.

Mr. Kasolas stated: For the record I am arguing with the attorney for the applicant.

Mr. Gavan stated: The Council's first correspondence was threatening to fight this application at the Appellate Division.

Mr. Kasolas stated: That is not true.

Mr. Kasolas questioned Mr. McCabe: What is the height of the ceilings?

Mr. McCabe stated: I would have to go and look.

Mr. Flaherty stated: The architect would be the proper party to answer that question. Mr. McCabe did not testify other than to the number of stories and that was in compliance with the zoning ordinance.

Mr. Kasolas stated: My line of questioning has to do with the testimony that somehow this building blends in nicely with the other buildings along the street. For whatever reason I'm getting a lot of obstruction.

Mr. Russo stated: You're asking a question about the ceiling height of the unit. With all due respect he did not testify to that. The architect can testify to that in 5 minutes. Don't ask him questions he does not have the answer to. That's not reasonable, that's not professional and it's not fair. He does not know the height of the units. Let the architect answer that.

Mr. Kasolas stated: I would like to continue my cross examination.

Mr. Russo stated: Ask him questions he can answer.

Mr. Kasolas stated: I'm asking him questions he can answer. He referenced the plans. He talked about the floors. He told me that he knows the ceiling height.

Mr. McCabe stated: Excuse me, but I did not. That is not true.

Mr. Kasolas questioned: You said the four stories here are synonymous with other buildings around Spring Street. Did you look at the height of those particular stories in the other buildings?

Mr. McCabe stated: Yes.

Mr. Kasolas questioned: What is the height of the floors of the Waldmere Hotel?

Mr. McCabe stated: Yes.

Mr. Kasolas questioned: What is the height of each floor?

Mr. McCabe stated: I don't know.

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Mr. Kasolas questioned: Are you aware that the height of the ceilings at the Waldmere Hotel is 7 and ½'?

Mr. McCabe stated: No. I'm not.

Mr. Kasolas questioned: If you compare the proposed building which is 12' per ceiling height then it is not exactly an integration of a building next to another building. Is it?

Mr. McCabe stated: That is your opinion. I have testified to the height of the building in terms of stories. As an Architectural Historian that's what you are looking at.

Mr. Kasolas stated: The Bula building has been there since the 1940s. What was the height of that building?

Mr. McCabe stated: One story.

Mr. Kasolas questioned: What was the height of the original Bula building?

Mr. McCabe stated: The original one was three stories and the top of your third story exceeded the height of that.

Mr. Kasolas stated: They were actually the same height weren't they?

Mr. McCabe stated: No. Yours was taller.

Mr. Kasolas questioned: How much taller?

Mr. McCabe stated: A couple of feet.

Mr. Kasolas questioned: So a couple of feet was pretty much the same height?

Mr. McCabe stated: Roughly.

Mr. Kasolas questioned: How much taller is the proposed building in comparison to the Waldmere Hotel?

Mr. McCabe stated: I don't know because I didn't measure the Waldmere Hotel?

Mr. Kasolas questioned: Isn't that something you should do to make sure it blends in?

Mr. McCabe stated: I will restate what I said before, Counselor. As an Architectural Historian and as a Planner, I'm looking at it in terms of number of stories and not the ceiling height of each floor.

Mr. Kasolas stated: So it's your testimony that if you have the same amount of stories and the adjacent building is 200' tall and the other is 30' tall it doesn't make a difference in terms of professional planning?

Mr. McCabe stated: There is no way to answer that question. If you put it rationally I might be able to?

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Mr. Kasolas questioned: If it is the same amount of stories and the building next door is 100' taller than the other building, is it still your testimony that the height doesn't make a difference if the floors are the same?

Mr. McCabe stated: No. It would be a disproportionate relationship of height if it were that significant.

Mr. Kasolas questioned: How about 50'?

Mr. McCabe questioned Mr. Flaherty: In terms of Counsel, he is asking for a reduction down and down for interpretation. My testimony did not deal with that. I answered the questions but I'm looking at it in two regards professionally. I'm not measuring buildings for height. I'm looking at it proportionally and my position as a licensed Planner and qualified National Park Services Historian, they are very close. That is my testimony.

Mr. Kasolas questioned: Can you answer my question about 50'?

Mr. McCabe stated: That would still be a significant deviation.

Mr. Kasolas questioned: What about 25'?

Mr. Soloway stated: The witness has tried to answer your questions to the best of his ability. And I will say it again, ultimately in your question you are lowering the height to what you think Mr. McCabe's historical knowledge is. But it is not relevant to whether this application should or shouldn't be approved. In respect to what you are questioning the application complies with the ordinance requirements.

Mrs. Le Frois questioned Mr. Morris: Does this application as presented meet the T-6 zoning on the frontage of Spring Street in terms of height?

Mr. Morris stated: Yes. The T-6 zoning as it states is principle building height of 8 stories, 100' maximum, and a 2 story minimum.

Mr. Flaherty stated: I would agree it meets the zoning requirement so it's not an issue.

Mr. Kasolas stated: I will move on to another question. What will the building materials be?

Mr. McCabe stated: It will be made out of brick.

Mr. Kasolas stated: You testified to the integration of this building with the other buildings on the street.

Mr. McCabe stated: I would ask Council to look at Spring Street and see how many are made out of brick.

Mr. Kasolas questioned: How many are there?

Mr. McCabe stated: At least 50% of them.

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Mr. Kasolas questioned: And which ones are those?

Mr. McCabe provided information on many brick properties on Spring Street starting at Dolan & Dolan coming up Spring Street towards the Theatre.

Porticos and porches were discussed.

Mr. Kasolas questioned: Can you place a historical significance on the Waldmere Hotel?

Mr. McCabe stated: Yes. For one thing, it is the last hotel along Spring Street that we have. In terms of historical development from when it was originally built in '06, to be the sole survivor gives it a certain providence in terms of the historical development of Spring Street.

Mr. Kasolas questioned: How did you incorporate that into the analysis of whether or not the subject proposed property that your client is looking to construct integrates with the Waldmere's historical significance?

Mr. McCabe stated: Can you clarify what you mean by historical significance? Are you talking about the history of the building or the architectural features?

Mr. Kasolas questioned: The architectural features and the foundation.

Mr. McCabe stated: We've never seen the foundation so I can't comment on that.

Mr. Kasolas questioned: You can see the foundation from the basement can't you?

Mr. McCabe stated: I've never been down in the basement so I can't comment on it.

Mr. Kasolas questioned: Did you ever ask my client to access his building?

Mr. Gavan stated: You know we did. I asked you in an email.

Mr. Kasolas stated: You can't testify for your client.

Mr. Soloway questioned: What is the relevance of the basement of your client's building?

Mr. Kasolas stated: It is part of the architectural features of the building.

Mr. Soloway stated: It is not visible.

Mrs. Le Frois questioned Mr. McCabe: When you do a scope of the surrounding buildings, the area, the district, the zone; what is the scope you take into consideration? Is it the entire street, district or zone? It is not limited to adjacent properties, is that correct?

Mr. McCabe stated: That is correct. I look at the streetscape from one end to the other. In this case it will be from Morris, Downing, and Sherred is to where the Newton Theatre is. I look at the buildings in terms of height, usage, style, and materials used. I'm not measuring heights, except for number of stories. I'm taking a look at what style and material construction is. We've been able to date every building up and down that street, from the Theatre all the way back to the intersection with Main Street. We published a streetscape book on that about 20 years ago.

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Mrs. Le Frois questioned: And the area you have identified is almost the full scope of the T-6 zone. Correct?

Mr. McCabe stated: Yes. The entire area is in the T-6.

Mr. Kasolas questioned: You testified during direct examination about the parking issue. Correct?

Mr. McCabe stated: Correct.

Mr. Kasolas questioned: And your client has secured parking from the Parking Authority by way of ordinance to park in a center across the street from the building. Correct?

Mr. McCabe stated: The individual tenant or property owner would be required to submit and acquire overnight accommodation parking passes to be used by the tenants.

Mr. Kasolas questioned: That is only if they want to, correct?

Mr. McCabe stated: Mr. Russo clarified that for us. He said that they would be able to park in any of the municipal lots where there are spaces designated for overnight parking. So whether it is the Adam's lot, the Central lot, or by the County building; there are overnight accommodations there. Any one of those areas would be able to accommodate them.

Mr. Kasolas questioned: Apart from the lot across the street are there any other agreements or licenses or contractual agreements to allow owners or tenants of the proposed project to park in those locations?

Mr. McCabe stated: No. That is by municipal ordinance. The Town Council has designated those lots for overnight parking and anyone who purchases a permit can park there. It is not an agreement that goes between a particular person and the Town. It allows anyone to park there that has a pass.

Mr. Kasolas questioned: Is there an agreement between the College and your client for parking?

Mr. McCabe stated: Not at this time.

Mr. Kasolas questioned: What if residents choose not to pay the fee and then park on-street?

Mr. McCabe stated: If the streets have no overnight parking on them, which would be controlled by ordinance. If they park in a municipal lot overnight and don't have a pass, then they might get a ticket.

Mr. Kasolas questioned: Is there overnight parking permitted anywhere in the vicinity of the building?

Mr. McCabe stated: Adams Street and Central lot.

Mr. Kasolas questioned: What is going to happen when the Theatre has an event, where will the patrons park when the residents of this building have filled up the lots?

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Mr. McCabe stated: I don't think the residents of this building will fill an entire lot.

Mr. Kasolas questioned: How will this building affect parking for the Theatre?

Mr. McCabe stated: I have not taken that into account.

Mr. Kasolas questioned: Are there a lot of new restaurants opening in Town?

Mr. McCabe stated: There are some that have expanded.

Mr. Kasolas questioned: How many over the past three years?

Mr. McCabe stated: I don't know.

Mr. Kasolas questioned: Where are the patrons of these restaurants going to park?

Mr. McCabe stated: You are working on an assumption that the residents of this apartment will be overrunning the Municipal lots.

Mr. Kasolas questioned: This building may have up to 52 people looking to park somewhere in Newton if they lease or own a unit on the proposed property. Correct?

Mr. McCabe stated: There could be.

Mr. Kasolas questioned: If they are using up the municipal lots you just referenced, where will the patrons of the restaurants park? Did you analyze this in preparation for this presentation?

Mr. McCabe stated: No, I did not.

Mr. Kasolas questioned: Have you determined the amount of water that is necessary to support the fire suppression system throughout this building?

Mr. McCabe stated: That has not been calculated yet?

Mr. Kasolas questioned: Why not?

Mr. McCabe stated: We are not going to do that at this juncture until an approval is granted. A mechanical engineer will be engaged specifically to make those calculations and design the system. Then we will know how many gallons are going to be brought in. We will know what sort of pipes that we will need for the connection. We won't know until that.

Mr. Kasolas questioned: Has your client spoken with anyone in particular about renting the commercial space on the ground floor?

Mr. McCabe stated: Not that I know of.

Mr. Kasolas questioned: Do you know if a liquor license would be necessary for a restaurant to be viable in this space?

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Mr. Flaherty stated: A restaurant doesn't require a liquor license.

Mr. Kasolas questioned: In your professional opinion as a Planner is a restaurant viable without a liquor license?

Mr. Soloway stated: They are not proposing a restaurant as the particular use. They said that at the beginning of the presentation. It is physically designed to accommodate a restaurant, but they testified that they do not have a tenant.

2nd Public: Joseph Hoffman, 21 Main Street, Newton.

Mr. Hoffman questioned: So there is no drainage calculation to sustain this building. Correct?

Mr. McCabe stated: No. It will be handled internally by a series of pipes to be designed by the architect and the mechanical engineer.

Mr. Hoffman questioned: Is it currently based on a calculation of the drainage in accordance with ordinances and codes? Did you submit drainage calculations?

Mr. McCabe stated: No.

Mr. Hoffman stated: This building is proposed at this point without a drainage calculation, is that correct?

Mr. McCabe stated: Yes.

Mr. Hoffman stated: Earlier, Jessica Caldwell talked about stormwater management and improvements that are in accordance with the State code. Is there any proposal for stormwater retention, regeneration, on site storage or any proposal in that regard in relation to this building?

Mr. McCabe stated: Not at this moment.

Mr. Hoffman questioned: Let's assume that you've got a commercial business on the first floor. How many handicap parking spaces are required by law?

Mr. McCabe stated: We have already handicap parking designated on the street.

Mr. Hoffman questioned: Where specifically?

Mr. McCabe stated: I don't recall.

Mr. Hoffman questioned: You as a Planner don't know if there is any handicap parking for commercial. Do you know if there will be any for residential?

Mr. McCabe stated: Yes, there will be.

Mr. Hoffman questioned: Where is that?

Mr. McCabe stated: Handicap access is at grade access and that will be provided. The building is going to be ADA compliant. Whatever parking lot you have, it provides at grade

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access. You have drop curbs in the corner for people to cross. You have the parking lots at grade to the sidewalks and you also have drop curbs to provide access into and out of the parking areas and that is all ADA compliant.

Mr. Hoffman stated: So are you saying that the handicap parking for the commercial unit is across from this building in the municipal lot or on Adams?

Mr. McCabe stated: Yes.

Mr. Hoffman questioned: Is there a loading zone?

Mr. McCabe stated: There is no specific painted or striped loading area. Deliveries will be made through the front or back doors.

Mr. Hoffman questioned: What is the parking calculation for the commercial space?

Mr. McCabe stated: It depends upon the use.

Mr. Hoffman questioned: Can you give us a range?

Mr. McCabe stated: No. I don't have that information.

Mr. Hoffman questioned: Is there a reason why the building can't be downsized?

Mr. McCabe stated: I don't know off-hand.

Mr. Hoffman questioned: You testified to the proportion of the building that occupies about 98%. Could it be downsized to 80%?

Mr. McCabe questioned: I don't know.

Mr. Hoffman questioned: Is there a reason why it cannot be downsized? Is there a specific element on this structure that cannot be reduced?

Mr. McCabe stated: That is a question for the architect or engineer.

Mrs. Le Frois stated: The developer is not asking for that.

Mr. Hoffman stated: The developer is asking for specific size variances, coverage variances, and side line variances. I would suggest to the Board that we have the right to explore reducing it.

Mr. Flaherty stated: I think it's something to ask the architect.

Mr. Soloway stated: I think it is a fair question. I am suggesting that this is not the right witness to address this question. Theoretically in the abstract, sure you can downsize anything.

Mr. McCabe stated: Any building can be made smaller or larger.

Mr. Hoffman questioned: You are proposing 26 apartments. What are the provisions for people to move in and out?

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Mr. McCabe stated: The elevator is designed to handle furniture.

Mr. Hoffman questioned: Where would a moving truck go?

Mr. McCabe stated: They would most likely have to park on Spring Street.

Mr. Hoffman questioned: Can a garbage truck back in to that area to pick up a dumpster. How will a truck physically remove the garbage from the building?

Mr. McCabe stated: It would have to be rolled out to be picked up. It would depend on what the hauler is using. There are front or back end loaders.

Mr. Hoffman questioned: Did you compute or look at the ability of a garbage truck to fit there?

Mr. McCabe stated: Yes. That is part of our analysis.

Mr. Hoffman questioned: Can a garbage truck make the turn radius from where the dumpsters are and go out to Spring Street?

Mr. McCabe stated: We did not do a turn analysis on that. We did it for the fire truck.

Mr. Hoffman questioned: You testified that there is some uncertainty about what will go on in the basement. You said there might be storage there.

Mr. McCabe stated: No. I did not testify to that.

Mr. Hoffman questioned: Do you know if any soil borings have been done to this building?

Mr. McCabe stated: No there has not.

Mr. Hoffman stated: There are no soil borings, no run-off plan and you haven't determined whether a garbage truck can turn there.

Mr. McCabe stated: I did not do the turning calculations. The architect did.

Mr. Hoffman stated: As you sit here tonight representing the architect there is absolutely no parking for loading, unloading, garbage, emergency vehicles.

Mr. McCabe stated: I did not testify to that.

Mr. Hoffman stated: Is there any parking provided onsite?

Mr. McCabe stated: No. There is not.

No more public stepping forward. Portion closed.

Mr. Gavan introduced Paul Ashworth as the next witness.

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Paul Vincent Ashworth gave his credentials as a Licensed Architect. License is current. The Board accepted his credentials.

Mr. Gavan questioned: Please explain to the Board the architectural designs. You can also address the issues which Mr. Hoffman raised, specifically regarding turning radius for trash removal.

Mr. Ashworth referred to the site plan and stated: Here is our building and the alleyway. You can see on here the white lines for the fire truck; Rescue 5, Squad 3, Engine 2 for the turning radius's and swing for the lot with those pieces of equipment. They are bigger than a garbage truck. The only firetruck that won't fit is the ladder truck. There is one way out. The garbage dumpsters and recycling and cardboard disposal for the tenants of the apartment complex and the retail commercial use is here. We anticipate them to be wheeled units. They would be pulled out to the front or rear, and then pushed back. That is one of the reasons we don't want gates there. It is also in an alcove and is completely hidden from all street traffic. As you can see from the rendering, the entry to the apartments is on the left side. The main entry to the retail space is there. As you look at the first floor, the building is designed to be ADA compliant for all floors. It has ADA structural compliance. If someone has a heart attack and needs to go out on a stretcher, the fire department, EMS and first responders can come in and access all areas of the building including the basement. All areas are fully compatible all the way out. Two means of egress comply fire rated to get you out front or rear. Since there is such a great differential in this site when you look at the second level plan you'll notice it comes out to a second stairs out to the back. So there will be access to tenants directly off the rear in case that's where they are parked or that's where they are coming from. The 26 units range from studio apartments to two bedroom. There is a balance in between each floor. The retail space will have access from the rear. There is a 6,000 lbs. freight elevator that will go from the basement to the first floor. That will allow for anyone dropping off materials to be sorted into the basement. There's a canopy out front as you can see. The dimensions include a 10' clearance. There are LED lights that will shine down. It is a glass canopy. The materials on the building will be an iron rich red brick. As Wayne stated, there are other buildings in Newton downtowns streetscape that have been painted. This is the original brick color of a lot of these buildings. The store front is anticipated to be a wood structural frame similar to my clients building at 178 Spring Street. It has a mansard style roof that will have slate. I know there is a comment from the Engineer about the generator being on the roof. While we can put equipment specifically, we are planning for it to be on the roof and shielded. If there are buildings in the future that are higher than this we are going to put screening around it. The generator plan has an average sound reduction of 71.8 dba. We are going to provide a custom enclosure. Your ordinance requirement is 65 dba at 23'. To meet that it will have to be a custom enclosure. Regarding the light patterns, they are standard egress light patterns. They are not bright LED lights that will cast light everywhere. Right outside the door it's a 5' candles. Two feet away it drops to 2' candles. Eight feet away it drops to ½ a foot candle. In regards to floor heights, they are not 12'. Our floor heights which are ceiling to floor are 10'. The additional footage in between is for structure and utilities and duct works. The first floor is set up as a merchant space and we have given it 15'. Those are standard heights that have been proposed for a building like this. I have never proposed an 8' or lower height for a new space such as this.

Mr. Wink questioned: Why wasn't the building designed smaller to fit into the 90%?

Mr. Ashworth stated: Square footage to make this work is a very difficult thing to design. Since the adjacent building is here, this is their lot line. We have a zero lot line. For a building code I

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have to provide x number of square feet of attainable daylight. It's not a habitable area if I don't. So to be able to solve that problem, what I did is there are no windows along here so I need my entire core on that side. That's why the elevator is there, storm power is diametrically opposed for egress which it should be. I've kept all of the units to the side. No matter what, that has to stay there. If a hardship is imposed where we have to minimize this, its cutting square footage and usable space out of the units. It would require a significant redesign. I won't even state that it's doable.

Mr. Wink questioned: You couldn't take one studio apartment off each floor?

Mr. Ashworth stated: Absolutely not. It doesn't work that way. With how they are intertwined and work off the common core with egress, absolutely not.

Mr. Flynn questioned: The question that I have is how do we intertwine the two buildings together which is done on city streets all the time.

Mr. Ashworth stated: There are several ways to do this construction. It's got a basement door that's got some issues and this is Spring Street, water is running through it. These are all things that fall into how this basement is going to be designed. So your question is how do you make a common wall. You build a zero lot line straight up. It's done all the time. It's built straight up without breaking that airline barrier. Once you're above grade that's relatively simple. It's more about subgrade.

Mr. Flynn questioned: On the roof do you cap the two together to create a protective barrier?

Mr. Ashworth stated: No. You leave them stand alone. That's theirs, this is ours. If you come to that point where Bula actually is touching it and causing a waterproofing membrane for them then yes that would have to be worked out during construction as to how that would be resolved.

Mr. Flynn questioned: Have you seen many buildings connected on Spring Street?

Mr. Ashworth stated: I haven't done a building like this on Spring Street so I don't know the answer.

Mr. Flynn questioned: Have you observed any touching each other on Spring Street?

Mr. Ashworth stated: Yes. There has to be.

Mr. Russo questioned: The ceiling height of the commercial space is 15'?

Mr. Ashworth stated: Yes.

Mr. Russo questioned: The three residential floors have a 10' ceiling height?

Mr. Ashworth stated: Yes.

Mr. Russo questioned: Did you look at other buildings prior to designing this building?

Mr. Ashworth stated: Absolutely.

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Mr. Russo questioned: Are you comfortable as an expert and an architect who has done work in other communities that this building fits in with the architecture of the street and that it doesn't diminish the historic elements or relevance of other buildings or does it add to it? Are you uncertain about that?

Mr. Ashworth stated: I am not uncertain one bit.

Mr. Russo questioned: Does it work with the other buildings on Spring Street? i.e. The Fire Museum, The Newton Theatre, and general residences and the other buildings?

Mr. Ashworth stated: This is a high end, high class boutique apartment complex. It is not just horizontal siding. We are doing custom arches over windows, custom windows up top. This is an involved thing. Yes. I do think it fits in 100%.

Mrs. Vrahnos questioned: What is the square footage of the different units?

Mr. Ashworth stated: It is on sheet 3. The two-bedroom is 1,022 square feet. The one-bedroom is 665 square feet. The studio is 450 square feet. There is another one-bedroom at 743 square feet.

Mr. Couce questioned: The doors on the first floor on sheet A-1, are these exit and entry doors or just exits?

Mr. Ashworth stated: Entry and exit. This is the one that will go up to the hallway into the first floor common corridor up and down for the tenants. This one is the entry and exit to the commercial area. And this one is to the freight elevator.

Mr. Couce questioned: Looking at the connection of the rear stairwells versus the residential elevators, there is no way to access the residential elevators. So a common issue presented to emergency services on Spring Street is a lack of alternate parking to the building you are trying to access. On this block in particular, each of the existing buildings, the Waldmere hotel and 160 Spring Street have rear access into the building. In this design I do not see the ability to do that, forcing emergency services to park on a limited parking space.

Mr. Ashworth stated: No. There is access for a stretcher. They would have to carry the empty stretcher up a set of stairs to the elevator. They would come down to the first floor and go out the front.

Mr. Couce questioned: Looking at the design of the restaurant would it be possible to flip the design of kitchen and back of house where the kitchen and bathrooms are to connect that stairwell to the elevator there?

Mr. Ashworth stated: There is a feasible aspect to it. But no matter what you are in between and will have to use a set of stairs. It's the site. There's the point of entry, there's the approximate exterior grade where the stairs come in. Stairs down, stairs up.

Mr. Wink questioned: Are there stairs adjacent to the common area?

Mr. Ashworth stated: Yes. Absolutely.

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Mr. Gavan questioned: When the appropriate time comes for construction that is where we will need flexibility in the basement in case we have to do shoring or other required things that are commonly done in construction. Is that correct?

Mr. Ashworth stated: Yes. It's possible we will find out there is so much work in rock and stuff. We haven't gotten to do the geo technical investigation yet. Once the building is down we will be able to give a full analysis.

Mr. Flynn questioned: Is there a difference in how much stormwater run-off there is on the site if there is a one-story building or a four-story building?

Mr. Ashworth stated: Zero. If I can address that a little bit further. Right now it is not good. With a storm like we had the other day, the water is just ripping down. We are going to eliminate the majority of that because the water that is on the existing building is hitting that roof, going through wall stoppers and you can see the erosion in the brick and running off. We are internalizing all of that and feeding it directly into the stormwater. It will also clarify the stormwater volume. It won't be picking up contaminants from the road, driveway, oil or ducts. Whatever is there will come off the roof and into the system.

Mrs. Le Frois stated: Which again that is regardless of whether it is two stories or four stories.

Mrs. Vrahnos questioned: Do you have a timeline for the project provided you get all the necessary approvals?

Mr. Gavan stated: It is about a year out.

Mr. Flaherty questioned: There is no guarantee it is going to be a restaurant. That is more conceptual. If there is a different type of commercial use such as retail, it will not change the issues that were brought up about access. That is a constant. Is that correct?

Mr. Ashworth stated: Correct.

Portion opened to public.

1st Public: Rich Krasnomowitz, 17 Main Street. How will snow accumulation on the canopy affect the street? I'm concerned with snow run off.

Mr. Ashworth stated: First off it is going to be a steel structure designed to withhold any north Jersey snow storm. If anything ever horrific happened the glass canopy is a tempered, laminated safety glass. There would be no damage to the public. There will not be shards of glass. As far as maintenance, it is absolutely something the owner will have to address to keep it clear.

Mr. Krasnomowitz questioned: The alleyway in question is at the curb cut. My concern is vehicular traffic coming down the alleyways and potentially hitting the building. There is a lot of glass in the alleyway and it is a downhill and in bad weather a vehicle could slide which could damage the building and potentially themselves. Has any thought been given to this? At the candy shop building there is space.

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Mr. Ashworth stated: Yes. As Mr. McCabe testified, 60' lot width and a 59' building. There will have to be bollards there for protection.

Mr. Krasnomowitz questioned: Will there be a bollard at the corner in the back?

Mr. Ashworth stated: Yes. There should be.

Mr. Krasnomowitz stated: Right now the curb is run over by a garbage truck every day. I'm not convinced that a fire truck will be able to make that turn the way the radius is set right now. I think it is a major issue.

Mr. Krasnomowitz continued: As the property owners of 17 Main Street, we are concerned with accessing our lot during and after construction. After construction, from what I've heard tonight, you will have tenants parking in the back and bringing up their groceries and leaving their cars there possibly hindering vehicular traffic. How is that going to be addressed?

Mr. Ashworth stated: I can't really address the parking issue as the architect. However, they should park in a parking spot and carry their groceries in like anyone else.

Mr. Krasnomowitz stated: In the existing apartment buildings on Spring Street there is a lot of parking behind the buildings. It may be temporary but sometimes it turns in to a half hour putting their groceries away. It becomes an issue because the roadway along the backside of the building is two-way traffic. It is a way out to get to Adams Street as well. Potentially having a vehicle there unloading for a restaurant or a tenant unloading groceries or moving furniture is going to interrupt the flow back there. Quite honestly, with Adams parking at a max during the day now, there are a lot of cars there.

Mr. Ashworth stated: I would tend to think you would have a 15 minute loading time and beyond that it becomes a police issue.

2nd Public: Jim Ciaravello, 124 Spring Street. I own the building on the right side. I rehabbed it in 2013. I had a retail store on the first level. I recently sold the building but I manage it for the new owner. Being there since 2013, I have five tenants and five apartments. There are apartments in the back that are accessible by a side entrance in the alleyway. The front apartments are accessible from the front. During the construction period, I'm wondering as to the alleyway if it will be closed because the tenants in the back apartments will have to get access to their apartments. Otherwise they will have to come in through the front door, go up to the top floor, and then climb down two or three flights of stairs. We don't have the luxury of an elevator. My other points would be regarding the stormwater on the roof. It collects on the roof and then 90% of it ends up inside a building. The water hits the dirt or the grass and it disappears. A major portion of the water that comes through the alleyway is from the parking lot at McGuire's and right now because of where the gate is, a lot of the stone comes down to Spring Street. I would think that some catch basins would have to be put up at the top of the alleyway so they would never come down the alleyway. There is also a runoff from 118 Spring Street that comes from where the insurance agency is and comes out into the alley. So this is all fed through the alley in a number of ways.

Mr. Ashworth stated: You have the experience of knowing where it is coming from. But if a major portion of the water is coming from McGuire's, they need to solve their water problem.

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from coming onto a public right of way. Our catch basin will catch it at the end, but we still have a direct connection of the stormwater feeding right in.

Mr. Ciaravello stated: I know there are Waste Management trucks that come through and cut that corner. Sometimes they don't cut it enough and then they hit the post on the opposite side so that would have to be looked at. Another item to be looked at is since the building is taking up all the space from the hotel to the alleyway, right now there are three dumpsters back there. When I rehabbed the building, I approached Mr. Russo and he approved in writing that I could keep the dumpster back there. Considering there are two others, what other arrangements need to be done to move those dumpsters somewhere else?

Mr. Soloway questioned: Where are the dumpsters?

Mr. Ciaravello stated: The dumpsters are in the driveway where it says "fire zone". One is from The Plaza Restaurant, one is from the liquor store and one is from 124 Spring Street.

Mr. Ashworth stated: I'm not privy to that agreement but it is something we will have to look at.

3rd Public: Joseph Hoffman, 21 Main Street. My recollection is that Mr. McCabe testified that the only ingress/egress is towards the rear of the building as an emergency exit. However, you are proposing a freight elevator there, is that correct?

Mr. Ashworth stated: Correct. It would be access to get to the back of whatever retail use is down there. You can't have a loading dock, so right off the back we have a freight elevator that will take a pallet jack, 4x4, push it in, and drop it down.

Mr. Hoffman questioned: But you do not have a loading zone?

Mr. Ashworth stated: No. There is no designated loading zone.

Mr. Hoffman stated: You mentioned that you've been in the basement and is their standing water?

Mr. Ashworth stated: Yes.

Mr. Hoffman questioned: When you designed the building, did you also design the foundation?

Mr. Ashworth stated: No. That's construction documents and these are schematics for Planning Board approval.

Mr. Hoffman questioned: So as an architect standing here tonight you really don't know if this is viable?

Mr. Ashworth stated: It is viable. We can make it viable.

Mr. Hoffman questioned: Wasn't there an original proposal to excavate the site to put a basement in?

Mr. Ashworth stated: That is partially what will happen.

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Discussion ensued.

Mr. Hoffman questioned: I want to confirm that there are two elevators and one of them is a freight elevator?

Mr. Ashworth stated: Yes.

Mr. Hoffman questioned: Where will material be staged? Where will equipment be staged?

Mr. Hoffman questioned: Where will the snow be plowed to?

Mr. Ashworth stated: Wherever it is plowed to now. However, I don't know specifically where that is.

Mr. Hoffman stated: The Town plows it onto the grass in a large part. Can that be done once your building is complete?

Mr. Ashworth stated: No.

Mr. Hoffman stated: Snow removal is something you should consider.

4th Public: Bobby Kasolas, Esq. from Brock, Eicher, LLC. represents Sakel-Grapsas, Inc. which is the owner of 144 Spring Street, Newton, NJ.

Mr. Kasolas questioned: You talked about the water conditions on Spring Street and that is why it is called Spring Street because there is a spring under it. Correct?

Mr. Ashworth stated: Correct.

Mr. Kasolas questioned: Have you done any consult with a geo technician on the conditions?

Mr. Ashworth stated: Not yet.

Mr. Kasolas questioned: Have you examined the possibility of doing temporary de-watering of the site during construction?

Mr. Ashworth stated: yes.

Mr. Kasolas stated: From where around the construction site will you conduct the temporary de-watering?

Mr. Ashworth stated: The building is not exposed to be able to answer that.

Mr. Kasolas questioned: Why can't you just dig through the existing ground area of the building and conduct whatever soil borings and investigative work that you need to determine if your proposed building is constructible?

Mr. Ashworth stated: The equipment would not fit in the basement.

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Mr. Kasolas questioned: You could go on the grass strip and have done at least one and then you would have some idea what types of conditions you are dealing with under this building. Correct?

Mr. Ashworth stated: Possibly.

Mr. Kasolas questioned: How deep does the elevator pit go on these plans? From grade down.

Mr. Ashworth stated: It is 20 something feet down.

Mr. Kasolas questioned: How far down would you have to go to conduct temporary de-watering to remove all the water to install an elevator pit?

Mr. Ashworth stated: I don't know the answer at this point.

Mr. Kasolas stated: There might be situations below grade where you can't build what you are proposing today for this particular site that you are asking for variances, site plan approval, and subdivision approval. Is that possible?

Mr. Ashworth stated: It's possible.

Mr. Kasolas questioned: Let's talk about the foundation. There is absolutely no footing or foundation plans as we stand here today. So you have no idea what this foundation will have. Correct?

Mr. Ashworth stated: Correct.

Mr. Kasolas questioned: What foundation do you envision?

Mr. Ashworth stated: Square foundation footing based on the soil and the rock that is there.

Mr. Kasolas questioned: What is over excavation?

Mr. Ashworth stated: Over excavation is where you produce a sloped cutback so that there is no possibility of earth falling in on construction materials or workers. There are other opportunities to do sheet piling and other construction methods to prevent that from happening.

Mr. Kasolas questioned: So if you are going from property line to property line, where would you place the supportive excavation?

Mr. Ashworth stated: Right at the edge of the wall.

Mr. Kasolas questioned: You are building 59' on 60'. Will any of the construction need to be done on Town property?

Mr. Ashworth stated: I don't know. I am going to stop answering this question.

Mr. Gavan stated: I want to put on record that this is not related to a zoning ordinance but construction.

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Mr. Kasolas questioned: You are asking for a variance to expand the footprint of this property beyond the zoning requirements. If he has no room to perform shoring to do dewatering then this is not a simple application.

Mr. Gavan stated: My objection stands. This is something that will be addressed by construction. It is not something this Board should be dealing with.

Mr. Kasolas stated: They will have to do all of the shoring and construction work to construct this building on Town property. This goes right to the heart of the issue of whether or not the Town should grant the variances.

Mr. Gavan stated: If that has to happen at the construction meeting and the construction plans have to be submitted, that is a problem with the construction department and the engineer and they can tell us to come back.

Mr. Kasolas questioned: Did you look at the foundations in the buildings around this site?

Mr. Ashworth stated: No.

Mr. Kasolas questioned: Do you know what foundation the Waldmere has which is directly adjacent to it?

Mr. Ashworth stated: No.

Mr. Kasolas stated: It has an entirely cobblestone foundation that is over 100 years old. Does that raise any type of concern to you that if you perform the type of excavation that you are proposing and you connecting this shoring support you can actually result in the collapse of the Waldmere?

Mr. Ashworth stated: No. That is not what you do. That is a different condition between your building and the street.

Mr. Kasolas questioned: When you excavate this site the earth will move around the building. So when the earth moves, the earth around the Waldmere with its 100 year cobblestone foundation will also move. Correct?

Mr. Gavan stated: Say no. He's an architect. Can you answer that question as an architect? That's all you can do.

Mr. Ashworth stated: No. I can't answer the question.

Mr. Kasolas stated: For the record, Counsel for the applicant just gave him the answer. The witness did not want to answer the question. I ask for an adverse inference of this Board on this particular issue in respect to the application.

Mr. Soloway stated: The witness testified he can't answer the question.

Mr. Kasolas stated: The attorney testified to it, told him what to say, and then he actually said it.

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Mr. Soloway stated: The attorney, to try to clarify, asked him whether he could answer the question.

Mr. Kasolas stated: Respectfully, Counsel, the attorney told him what to say and he said it. The record reflects that very vividly.

Mr. Kasolas questioned: What happens to the adjoining properties when you remove water from underneath a particular project? When you remove water underneath a construction site such as this, all the water moves away from those building to the site you are dewatering? We would have to assume that would happen on this site.

Discussion ensued.

Mrs. Le Frois stated: I would suggest those are questions for an engineer, not the architect.

Mr. Russo stated: You are entitled to ask the question, but he is not an engineer he is a licensed professional architect. He can say he does not know the answer or he is not familiar with that. He has the right to answer you in that fashion.

Mr. Kasolas stated: He testified that this is a buildable building.

Mr. Russo stated: And that is his opinion.

Mr. Kasolas stated: I have the right to challenge that opinion.

Discussion ensued.

Mr. Kasolas questioned: What will happen to the water below grade on the buildings surrounding this property including the Waldmere when you conduct temporary dewatering?

Mr. Ashworth stated: I don't know.

Mr. Kasolas questioned: Do you have any experience dealing with that particular issue?

Mr. Ashworth stated: Yes.

Mr. Kasolas questioned: What kind of experience did you have in that particular issue? What happened to the water that was below grade in the buildings surrounding that particular building?

Mr. Ashworth stated: I don't have the particular answer to that. It was the contractor's responsibility and the engineer was onsite.

Mr. Kasolas questioned: Were you onsite for that particular project?

Mr. Ashworth stated: Yes. I've seen dewatering.

Mr. Kasolas questioned: You said that once you get the foundation in you just build straight up. Correct?

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Mr. Ashworth stated: Yes.

Mr. Kasolas questioned: Have you looked at what's right above your building in respect to the Waldmere Hotel?

Mr. Ashworth state: There is a small over hang.

Mr. Kasolas questioned: How are you going to address it if this building is going to be tied to my client's building.

Mr. Ashworth stated: We are going to have to address it. It will have to be a condition but I don't know that right now.

Mr. Kasolas questioned: Isn't this something you should ask this Board.

Mr. Soloway questioned: Is there an encroachment?

Mr. Ashworth stated: There is a small encroachment of their overhang onto this property.

Mr. Kasolas stated: It is a foot and a half encroachment, to be accurate for the record.

Mr. Soloway stated: So according to Counsel there is an encroachment from the neighboring property onto your property. Is this going to be in your way?

Mr. Ashworth stated: Yes.

Mr. Soloway stated: The applicant will have to address that.

Mr. Kasolas questioned: Why did you design a building that goes directly into the adjacent building?

Mr. Ashworth stated: I thought it was inches.

Mr. Kasolas stated: Even if it was inches you would have run into it. So why didn't you deal with it in your plans?

Mr. Ashworth stated: It is a site condition. We deal with it as we go.

Mr. Kasolas stated: One way to deal with it is to not ask the Board for the variance you are asking for with 100% coverage of the lot. You can move the building back a little bit from the side setback and that will allow you to build straight up without hitting my client's tower.

Mr. Ashworth stated: But you are encroaching on their property.

Mr. Kasolas stated: The building is over 100 years old.

Mr. Kasolas questioned: In creating these plans your propose today in support of your variance application to expand your client's building footprint to the maximum allowable, did you look into how you are going to integrate the side of your client's building that abuts the Waldmere Hotel?

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Mr. Ashworth stated: Yes. In generality, it will build right alongside of it. If there is a shared wall it will have to be addressed.

Mr. Kasolas questioned: What happens if my client doesn't grant you access to his property to do that work?

Mr. Ashworth stated: I can't answer that.

Mr. Kasolas questioned: Shouldn't you consider that before coming to the Board?

Mr. Soloway questioned: Mr. Ashworth, is it your testimony that you will need to enter on his client's property as part of the construction process?

Mr. Ashworth stated: It's possible but I won't know until we get into the demolition and see how it is constructed.

Mr. Gavan stated: I object to the characterization of the questions and for the record the variance request is for the other side of this property.

Mr. Soloway stated: To follow up on that, if they have to enter on that property you are going to need their permission.

Mrs. Le Frois stated: That could be asked of the engineer.

Mr. Soloway stated: If you ask the engineer the answer may be that they don't know until they get out in the field. If there is an approval here there will have to be a condition of it that if they have to do it and they don't get the permission then they can't do it.

Mrs. Le Frois stated: Or the engineer may testify to a building process that does not require that. We won't know until we get to that part of the testimony.

Mr. Kasolas stated: The picture you have brought today shows the property from the farthest point possible. Correct?

Mr. Ashworth stated: We got back as far as possible to get the most in the picture.

Mr. Kasolas questioned: Why do you not also have a photograph of the other side of the building as it abuts my client's property?

Mr. Ashworth stated: I feel it's needed to show the textural relationships needed for a variance and zoning approval.

Mr. Kasolas questioned: If this building you are proposing ultimately gets constructed, aren't you going to trap certain portions of my client's roof and tower where future work will not be able to be performed in those sections of the Waldmere Hotel's building?

Mr. Ashworth stated: Please clarify.

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Mr. Kasolas questioned: Did you look at the Waldmere Hotel's roofing area and tower area when you designed this building?

Mr. Ashworth stated: Yes.

Mr. Kasolas questioned: Did you look at what happens to that particular portion of the hotel if your building was straight up above it?

Mr. Ashworth stated: Yes. You would have to maintain it from your side.

Mr. Kasolas questioned: If you close a certain area of access to the roof of the Waldmere Hotel by having your building above that area, how will they access that portion of their roof to perform maintenance and repairs?

Mr. Ashworth stated: From the other side of the roof.

Mr. Kasolas stated: There is a tower there. Your property goes above that and there is no access to that area of the roof.

Mr. Ashworth stated: I don't have the answer to that.

Mr. Kasolas questioned: You testified that the height from floor to ceiling is 10'. Does that include the flooring elements that can't be seen?

Mr. Ashworth stated: No.

Mr. Kasolas questioned: So the actual height of the floors is 12'. Correct?

Mr. Ashworth stated: Yes. Floor to floor.

Mr. Kasolas questioned: What is the actual height of this building?

Mr. Ashworth stated: It is 56'.

Mr. Kasolas questioned: Did you look at how high the Waldmere Hotel is at its highest point?

Mr. Ashworth stated: Just visually.

Mr. Kasolas stated: It is approximately 40'.

No more public stepping forward. Portion closed.

Application carried to August 21, 2019 at 7 pm with no further notice.

CORRESPONDENCE: -

None

EXECUTIVE SESSION -

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None

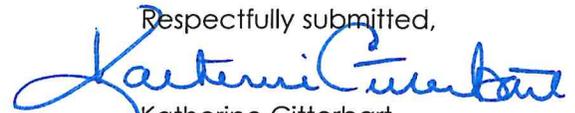
PUBLIC PORTION –

None

ADJOURNMENT

Mr. Flaherty made a motion to adjourn the meeting. Mrs. Vrahnos seconded the motion. The meeting was adjourned at 10:40 PM with a unanimous "aye" vote. The next meeting will be held on August 21, 2019 in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary