

TOWN OF NEWTON
PLANNING BOARD
NOVEMBER 18, 2020
MINUTES

The regular meeting of the Newton Planning Board took place on the above date via ZOOM. Vice Chairman Marion 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: Joseph Ricciardo sworn in as an Alternate Member of the Planning Board.

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Hall-Romer, Mrs. Diglio, Mr. Russo, Mr. Ragsdale, Mr. Schick, Mr. Couce, Mr. Ricciardo, Mr. Le Frois (joined at 7:12 pm)

Absent: Mr. Flynn

Professionals present: David Soloway, Esq. of Vogel, Chait, Collin & Schneider
Thomas Knutlesky, Harold E. Pellow and Associates
Jessica Caldwell, J. Caldwell & Associates

THE SUNSHINE STATEMENT: Was read.

CONSIDERATION OF MINUTES

October 21, 2020

A motion was made by Mr. Marion and seconded by Mrs. Diglio to approve the October 21, 2020 meeting minutes.

AYE: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Hall-Romer, Mrs. Diglio, Mr. Russo, Mr. Couce, Mr. Le Frois

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

**Farm Pointe New Jersey LLC (#P-11-2020)
Main Street & Nelson Street
Block: 13.05, Lot: 1**

The Resolution grants minor site plan approval to allow a drive-through food retail establishment on the property.

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

AYE: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Hall-Romer, Mrs. Diglio, Mr. Russo, Mr. Le Frois

TOWN OF NEWTON
PLANNING BOARD
NOVEMBER 18, 2020
MINUTES

The motion was carried.

A letter from Anthony Fraga, Farm Stores, was discussed.

Mr. Frega stated: We are asking permission to keep the existing roof, as it would be much more economical if we simply repaired the roof as opposed to installing all new metal roofing as was included in the application that was approved. We are hoping the Board will grant the change administratively rather than a more formal process. After reviewing our prices we realized the metal roofing will be about 15% of the total budget (approximately \$30,000). We would rather use the existing roof structure and repair it.

The Board discussed the roof. The Planner and the Engineer stated there were no issues with the change from their perspectives.

Mr. Soloway stated: The Board can authorize what is akin to a field change. This is to allow the change in the application from the new metal seamed roof to repair and replace the existing roof as an administrative change and the plans to be changed and be approved by Mr. Simmons's and Ms. Caldwell's offices and with a further condition that they power wash the roof and match it up to the satisfaction of those two professionals. The Board Secretary will submit a letter to the applicant stating this.

Mr. Marion made a motion to approve the change. Mr. Flaherty seconded it.

Aye: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Hall-Romer, Mrs. Diglio, Mr. Russo, Mr. Le Frois

Change approved.

OLD BUSINESS:

None

NEW BUSINESS

**Red Knight Properties (#P-7-2020)
10-16 Hillside Terrace
Block 2.02, Lot 18**

The Applicant is requesting a reconsideration of the Planning Board decision from October 21, 2020 to require a sidewalk and they are requesting a waiver from that requirement.

Mr. Soloway stated: The applicant was here last month seeking an authorization to add another apartment to an existing building. It required use variance relief. That application was granted but there is not yet a resolution memorializing that. During the course of the hearing there was discussion about a bulk variance that it was felt would also be required from the provisions of section 320-22.B in the zoning ordinance which requires sidewalks in connection with site plan or subdivision. Because it appeared that the Board might perceive that aspect of what was proposed by the applicant differently from the main use variance application they were addressed separately by separate votes. So the use variance as approved, in effect, required

TOWN OF NEWTON
PLANNING BOARD
NOVEMBER 18, 2020
MINUTES

compliance with that sidewalk ordinance along with the other conditions that were imposed and then the applicant was required to separately request a "c" variance in connection with the sidewalk requirement. Interestingly enough, the applicant didn't address it and the board took a vote and the application for the bulk variance was denied. The applicant is applying to the Board for reconsideration of that denial. They have a right to. It's a little tricky procedurally. I think you should deal with two different sections in order to have reconsider a decision the Board has already made. There's a requirement that an applicant demonstrate good cause to in effect reopen or reconsider. For instance, fraud or legality issues, which obviously doesn't apply here. In this case I think they're going to argue excusable neglect. My recommendation to the Board is that the Board consider separately the issue of whether it should even hear the merits of the bulk variance again. If the Board agrees to hear it and votes to in effect reopen it, then there would be a 2nd segment where we would in effect have a hearing on the merits of the bulk variance. This application necessarily at least in terms of background knowledge incorporates or relies on things that happened last month. I think anyone who was not here last month should not vote on either of these. But they can participate obviously. That applies to Mr. Ricciardo and Mr. Ragsdale. Kevin Kelly is here. I did discuss this with him the terms of the procedure I was going to suggest and at this point maybe we can hear from Mr. Kelly.

Mr. Kelly stated: Thank you Mr. Chairman and good evening everybody. I'd like to note not just my appearance by phone in this proceeding but our clients. I believe Anthony and Brian are on the zoom portion. As well as our Architect, Chris Wolverton and our Professional Planner, Jason Dunn. I will start by referencing my letter. In it, I mention the issue of good cause which is the standard. That can be two things; it can be the interest of justice or new evidence. I think we have both. In the interest of justice, it is simply that we didn't anticipate this. I was caught off guard myself. One thing I would have told you is that there are sidewalks on Hillside Terrace here on the other side of the street. So we didn't respond to something we didn't anticipate and we would like to be able to do that. The other part is that we do have new evidence and real evidence to present through Jason Dunn, our Professional Planner, about that subject and about the standard that the ordinance provides along with facts that we just didn't have available to us the other night. We'd like to be heard as to that. It will not take a long time to do and frankly if we had anticipated that we would have done this last month. And that's our application on the good cause component.

Mr. Le Frois stated: I am willing to listen to what you have to say. But will leave it open to comment from the rest of the Board. Mr. Soloway, do we vote?

Mr. Soloway stated: Yes. You will have to vote.

Mr. Russo made a motion to allow a hearing to reconsider the denial of a variance based up on the finding to do so. Mr. Flaherty seconded it.

AYE: Mr. Flaherty, Mr. Marion, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Russo, Mr. Couce, Mr. Le Frois
ABSTAIN: Mr. Wink

Mr. Soloway stated: We are having a hearing whether to grant a variance from sidewalk requirements.

Sworn in: Jason Dunn, Professional Planner, Dykstra Associates, PC, license is current; 11
Lawrence Road, Newton, NJ.
Brian Leonard, 53 Spring Valley Road, Morristown, NJ.

TOWN OF NEWTON
PLANNING BOARD
NOVEMBER 18, 2020
MINUTES

Anthony Scandariato, 307 Church Street, Boonton, NJ.

Mr. Kelly stated: The relief sought by this application is to put in an apartment in a building in an empty space. I don't propose to revisit the things from the last meeting, I just want to proceed with new evidence and I want to call Mr. Dunn.

Mr. Dunn presented his credentials as a Professional Planner. His license is current. The Board accepted his credentials.

Mr. Kelly questioned Mr. Dunn: How did you start your work with this case?

Mr. Dunn stated: The first thing I did was familiarize myself with the property using Google Street Maps. I'm from the area and I drive by this street frequently but I never had a reason to turn in and go up by Hillside Terrace. So I made sure that I visited the site, walked the neighborhood, and observed the conditions, the locations, and sidewalks. I also observed the kind of fabric of the neighborhood. Is it busy? Is it commercial or is it residential? Those are some of the first steps I took to get started on this project.

Mr. Kelly questioned: Can you share those observations with the Board, please?

Mr. Dunn referenced Exhibit A1, aerial photo map, and stated: This aerial photo map, from New Jersey DEP Geo Web, shows the property in question labeled PQ in the center of the sheet. The very long building and the three other structures are also on the property in question. I'm going to assume that the Board is very familiar with this application so I won't go into long detail of what the buildings are. What I'd like to focus on is the subject of the sidewalks and the neighborhood. There is limited access to this neighborhood via the Lake Avenue entrance which connects to Newton-Swartswood Road and of course Hillside Terrace which connects to Mill Street. Two of the streets in this neighborhood are sort of cul-de-sacs. One is a dead end with a small area to turn around, I think that's Park Avenue, and then another is the terminus of Hillside Avenue which has four multifamily buildings. With the exception of the four multifamily buildings and the property in question the surrounding neighborhood is made up of approximately 50 single family homes. My impression is that it's a very quiet neighborhood. It's rather isolated because of the stream to the North and the wooded hillside to the South. Then having a limited access as well it's almost like its own little place in Newton. As you know, the request is to grant relief from the section that Mr. Kelly described which is in the street design standards. It's hard to know what the full intent of the authors of this ordinance was but it seems to me the way it reads is that it's truly meant for new development with a new subdivision or new site plan. Although it does apply to existing conditions as well. But as you see from the exhibit before you, the black dashed lines indicate where sidewalks are located already. So, this neighborhood is already serviced by pedestrian connectivity to Mill Street. In my opinion, there is no need for additional sidewalks. I did not do a traffic study in this area but again my impression in my experience with this area of Newton is that it's fairly quiet. We're not talking about a bustling commercial area. Throughout the development the sidewalks exist only on one side of the street not on both sides. I believe it is safe for pedestrians. Meaning there's no sharp corners where pedestrian can't be seen. There's plenty of sight lines of pedestrians crossing the street from one side walk to another.

Mr. Dunn continued to describe the existing sidewalks reference on the aerial photo and stated: It connects to Mill Street and is on the opposite side of the street to the apartment building in this application.

TOWN OF NEWTON
PLANNING BOARD
NOVEMBER 18, 2020
MINUTES

Mr. Kelly questioned: And the sidewalk starts at Mill Street?

Mr. Dunn stated: Yes. It goes the sidewalk on that side of the street ends at nearly the intersection with Ferndale Ave and then you can see from picture that another sidewalk starts up hillside terrace on the opposite side of the street

Mr. Kelly questioned: Since the requirement for the proposal was also for Red Knight to put sidewalks on Ferndale Avenue are there existing sidewalks on Ferndale?

Mr. Dunn stated: No, there are no sidewalks on either side of the street on Ferndale. I want to point out that the three structures have access to the sidewalk across the street on Hillside Terrace. Single family homes have connectivity from their homes to the street which then you cross the street and you're connected to a sidewalk on Hillside. I do not feel that it's critical to have sidewalks here along Ferndale because it would not service a significant portion of the neighborhood. Only 2 houses on the street would benefit. Connected to those houses so it would be a sidewalk to nowhere essentially with the very little likelihood of those existing homes building sidewalks to connect to it, but again I want to establish that it's not a significant portion of the neighborhood. The majority of the entire neighborhood has sidewalks in front of or across the street homes so that it can be connected

Mr. Kelly questioned: What are the practical issues of putting sidewalks in on the Red Knight properties side of Hillside?

Mr. Dunn stated: Let me begin at the intersection of Ferndale Avenue and Hillside. That's at the top of the sheet that we're looking at. A sidewalk in that location between that location and the existing large building which has the apartments would not be practical because there are driveways right there and there's already a sidewalk on Hillside on the Ferndale side of the street. Then on the opposite side of the property in question, in front of the building where there are existing entrances to the apartments and where the entrance to the new apartment would be there already is a sidewalk. We can show that here on Exhibit A2, which is a photograph of the front elevation of the larger building on the property. Back toward Hillside Terrace and facing the front of the building, this is captured from zillow.com. I don't know how recent the photo is. It says 2020 Google on the bottom right. I can tell you that based on my recent site visit this is very close if not exactly what it looks like. The sidewalk existing in front of the structure that services the entrance and connects to and goes parallel with Hillside Terrace on the applicant's property side of the street, as you can see from the photo, runs about 40 feet along Hillside Terrace. I was told also that the applicant agreed to provide a connection from the door of the apartment to Hillside Terrace and I think that we would be willing to do some improvements to this sidewalk as part of the "c" variance positive criteria.

Mr. Kelly stated: For the record I just want to mention, since Jason Dunn was not present for the last meeting, we agreed to item 3A of Mr. Simmons's report dated September 16 which says and I quote "concrete sidewalk is going to be needed from Hillside Terrace to the entrance door of the proposed apartment". We specifically agreed to that condition. I only mention it now because Jason was not present for that. So to return to his testimony, go ahead Jason.

Discussion ensued on the location of the sidewalk in front of the existing building.

Mr. Scandariato confirmed: The sidewalk would be run to the door behind the telephone pole.

TOWN OF NEWTON
PLANNING BOARD
NOVEMBER 18, 2020
MINUTES

Mr. Dunn stated: Anthony jump in here if I'm misconstruing this. The second part of what the applicant was going to do was rebuild the sidewalk that's currently in front of the building. You can't tell in the photo but that sidewalk is cracked and there's some upheaval going on. We feel that it's important to remove that and get that repaired.

Mr. Scandariato stated: Yes, Jason. That's correct.

Mr. Dunn stated: I was happy to hear that because it is in the spirit of the ordinance, providing for safe pedestrian connectivity. But we're done with questions with this area for now.

Mr. Couce questioned: You are suggesting replacing this sidewalk. Saying this is in the spirit of the ordinance how would it benefit the other residents in the neighborhood.

Mr. Dunn stated: But they are part of the neighborhood. It would also benefit the appearance of the neighborhood.

Mr. Ricciardo questioned: Will the sidewalk going to the pole be ADA accessible at the curb?

Mr. Dunn stated: No. I don't think it is required at this building.

Mr. Ricciardo questioned: Why is it not required?

Mr. Dunn stated: That may be a question for the architect, but I believe it may be grandfathered in and there are no accessible units in this complex.

Discussion ensued over ADA requirements.

Mr. Dunn stated: In terms of any ADA compliance we would ensure that any repair or improvement would comply.

Sworn in: Chris Wolverton, HQW Architects, 124 Main Street Newton, NJ was sworn in.

Mr. Ricciardo questioned: Will the staircase going to the second floor be fire rated?

Mr. Wolverton stated: Yes. It has to be. It is a fire rated stairwell.

Discussion ensued on existing sidewalks.

Mr. Wink stated: In looking down the road twenty or thirty years, we may have only one opportunity to put in sidewalks or not put in sidewalks.

Mr. Dunn stated: My response to that would be just judging from the condition of the neighborhood it seems to me that it's pretty much built out. I don't see any areas of new construction that could happen here because of the proximity of the street and every other lot is built upon.

Mr. Wink continued: But as new families come in you have the potential for children with needs for sidewalks. Or Americans with disabilities.

TOWN OF NEWTON
PLANNING BOARD
NOVEMBER 18, 2020
MINUTES

Mr. Dunn stated: That is always something good to reach for but the proof and the burden is for substantial detriment. Does a sidewalk that is not built cause substantial detriment to the neighborhood? My testimony is that it does not.

Mr. Wink stated: I disagree.

Mr. Marion questioned: Does Red Knight Properties go all the way out to Mill Street or end after the garages?

Mr. Dunn stated: It ends about 75' beyond the garage but it is about 25' short of Mill Street.

Mr. Dunn stated: Looking at the aerial view of the garage door entrances if you were to introduce the sidewalk there it would have to be near the curb level. It would have a crazy cross slope and then you probably have to build a retaining wall between the edge of the sidewalk and the face of the building. That is why it's impractical.

Mr. Le Frois questioned: So Jason, are those garages not accessible from Hillside as it stands now?

Mr. Dunn stated: They're accessible by the people who store things in it. To walk up or use a hand truck to get things in there. Not vehicles.

Mr. Couce questioned: So if vehicles are not using these garages is there such an accessibility issue?

Mr. Anthony stated: There are some vehicles in the garages. They do have their hot rods and old school vehicles.

Mr. Couce questioned: Is there a similar slope or grade issue presented on the Ferndale Avenue aspect of the property?

Mr. Dunn stated: No.

Mr. Kelly stated: If you look at Mr. Simmons report he refers to this as item 3B about our grade change on Hillside as it goes to Mill Street in regard to cars negotiating without bottoming out. We covered that at the last meeting and now we're elaborating on what that particular issue would be if there were sidewalks there.

Mr. Dunn stated: I can speak to that. In regard to Mr. Simmons's comment, when a sidewalk is constructed with a 2% typical cross slope for that sidewalk that's actually cutting into the grade that leads from the curb line up to the garage. So you actually end up with a cut and then a steeper grade so it actually does make access into those southerly bays more difficult and could be a cause for bottoming out some of those vehicles that would access those. But that's typically from a construction standpoint. I understand someone made the comment that we could just put it like a regular pad coming from the roadway up to the garage like a driveway almost. But that would not be considered a sidewalk then with an appropriate slope and might actually be a slope that would be problematic for pedestrian purposes.

Mr. Le Frois stated: Especially in the winter.

TOWN OF NEWTON
PLANNING BOARD
NOVEMBER 18, 2020
MINUTES

Mr. Couce questioned Mr. Soloway: Is it possible to issue a qualified variance such as that particular section of the property be granted a variance whereas the remainder of the property be required to install sidewalks?

Mr. Soloway stated: Yes. You could fashion something like that.

Mr. Scandariato questioned: What would you mean by remainder of the property?

Mr. Couce continued: So my particular interest is looking at the Ferndale Avenue section of the property. At this point there has been a little bit of suggestion that there might be some overall benefit to the neighborhood of having sidewalks installed on the Ferndale Avenue section to potentially eventually connect with Park Avenue's sidewalks. They can then wrap around the corner and add a little more connection to the sidewalk coming down from Hillside Terrace.

Mr. Scandariato stated: I'd like to speak to that in terms of a feasibility analysis we did. That is about 400 linear feet for new sidewalk construction and that would cost us about \$45,000. So for us to spend \$45,000 to put one additional apartment in this complex it wouldn't be feasible. We couldn't do the project.

Mr. Couce questioned: Is that just a business decision?

Mr. Scandariato stated: Yes. Basically we couldn't do the project if that was the requirement is what I'm saying. That's why we were amenable to at least repairing the front in front of 10 Hillside.

Mr. Couce stated: It hasn't been demonstrated that that really improves the overall quality of the neighborhood maybe aesthetically but in terms of the safety and welfare of the other pedestrians in the neighborhood I think it was pretty well established that this piece of sidewalk is to the benefit of the residents in the applicant exclusively not the overall neighborhood. Where the addition of sidewalks on Ferndale does offer an increased safety factor for other residents in the neighborhood which I think you know is really the underlying message or the underlying intent of the C(2) variance.

Mr. Le Frois stated: I'm going to bring up a comment. They are requesting one additional apartment in an existing building. They're not doing any exterior work. The existing space is already there. My thought is that asking for sidewalks hundreds of feet away from this apartment is in my mind inappropriate. I understand the standards that are there and the purpose of that is typically for a new development. This is far from a new development. It's basically taking an existing space and turning it into an apartment. The sidewalks that are there, are there and they serve the purpose as they do today. I think it's inappropriate for the Town to hold these guys hostage to try to build sidewalks where they don't exist today. As a matter of fact the sidewalk along Ferndale would go from nowhere to nowhere.

Mr. Kelly questioned Mr. Dunn: In conclusion, is it your professional opinion that the existing sidewalk on Hillside Terrace meets the requirements and the standards of the ordinance in that it's properly sized for the safe and convenient movement of pedestrians through that street?

Mr. Dunn stated: As it exists today, yes. It serves the neighborhood appropriately. As far as the connection in Ferndale I just want to revisit that just for a moment. My testimony is that a

TOWN OF NEWTON
PLANNING BOARD
NOVEMBER 18, 2020
MINUTES

sidewalk along Ferndale would not provide connectivity. Who knows what the future holds but even if the applicant were held to that standard to build a sidewalk that doesn't connect anything who would fund the rest of the sidewalk to connect it? That's the question. So I feel that it's not a public safety issue and not a significant impact on this neighborhood if they don't follow the letter of the law here.

Mr. Kelly stated: To go to that 20 or 30 year unknown scenario, if there was new development this part of the ordinance would be applied to it would it not?

Mr. Dunn stated: Absolutely. I would yes. There's no reason it wouldn't be.

Mr. Kelly stated: So if you have new people moving in and there's new development you're going to have new sidewalks.

Mr. Dunn stated: Yes.

Mr. Kelly questioned Mr. Scandariato: I have two questions for you. In terms of the requirement to install sidewalks, after the last meeting did you look into that?

Mr. Scandariato stated: Yes I did. We received three estimates.

Mr. Kelly questioned: Tell us what those were and how they would impact your project

Mr. Scandariato stated: From Hillside to Ferndale, if we were to do the entire sidewalk which is 700 linear feet that would be \$85,000. As I mentioned before that small section from Hillside to Ferndale would be \$45,000 and that's 400 linear feet. You know those are just the means that I took between the three estimates and again as Mr. Chairman said what we're trying to do is add one additional brand new apartment to service the community and also beautify the frontage of the building with landscaping and obviously a new sidewalk.

Mr. Kelly questioned: Would you be able to finish the project if this is required of you?

Mr. Scandariato stated: No. We would not.

Mr. Marion stated: I think I can actually wrap this up for everybody. Fortunately, I have a second computer that I've been looking at. On Ferndale, yes, you could put a sidewalk along the street of the two houses owned by Red Knight but that's as far as you can go. There's another property next to them that looks like it has a retaining wall or maybe a staircase that almost literally goes right out to the curb. So there is no way you could put a sidewalk beyond Red Knight's property on Ferndale. So I'm almost in agreement with the applicant about nixing Ferndale. As for Hillside we've heard testimony about the reason we can't do a sidewalk in front of the garage which I'm fine with. Plus the sidewalk wouldn't go out to Mill Street because their property doesn't go out to Mill Street as originally thought. What I'm thinking and this is certainly up to the applicant is you put a new sidewalk in as you proposed from the first door on the right side of the building next to the first garage door all the way across to the front of the building and that's about as much as you feasibly could do based on the situation.

Mr. Scandariato stated: Yes. We could be amenable to that.

Mr. Soloway questioned Mr. Marion: What are you suggesting exactly in terms of Hillside?

TOWN OF NEWTON
PLANNING BOARD
NOVEMBER 18, 2020
MINUTES

Mr. Marion stated: Basically, a new sidewalk across the entire apartment building, not the garages, just the building itself. With three sidewalks to those three doors. That would resolve the walkways for the tenants and there is a sidewalk across the street for the pedestrians. Honestly, I think that's as much as Red Knight can do with the way the property is.

Mr. Knutelsky stated: I'll just jump in really quickly. In regard to the idea of having sidewalk along the entire frontage I think it's well documented that there's going to be issues with the building and access if that actually is undertaken. Also, sidewalks to nowhere don't always have a great effect on pedestrian connectivity although it's a start and I understand that. But I think that would be something that might not be as beneficial here. One thing that I want to bring up is the sidewalk configurations at the intersection of Hillside and Ferndale. There's a sidewalk on one side of the street and then there's a sidewalk on the other. If I was going to be walking from the apartments at the end of Hillside all the way down to get to Mill Street how would I cross to go from one side to the other? In terms of a comprehensive pedestrian walkway, do they connect? Should there be a crosswalk across to get to the sidewalk that we're talking about right now in front of the building? Right now it kind of crosses at an angle across the entire intersection which isn't always a good way to have pedestrians cross the roadway. In a comprehensive fashion, if we can get the sidewalk that Mr. Marion was talking about up along the existing buildings all the way to the intersection of Ferndale and Hillside and allow that to be the crossing spot I think that would be a very beneficial addition.

Mr. Dunn stated: What I will say first is that you are correct in saying that they're not a perpendicular connection across the street. They are angular. But I wanted to say when I was out there the lines of sight are very good. There's no trees or hedges blocking anywhere so pedestrian can see a car coming where they cross the street to get to the other sidewalk. This is a quiet neighborhood. Cars are not flying by through here. I could observe maybe they do sometimes but I don't think it's necessary to have crosswalks in this particular neighborhood. That's just my opinion as a planner not an engineer. The other comment I would want to make is, as far as extending a sidewalk to the intersection, it is feasible but you're crossing two driveways that are already flat. So if someone wanted to cross the way you're suggesting and then cross to the other sidewalk they could do that as well.

Ms. Caldwell stated: I'd like to make a suggestion. On the North side of Hillside above Ferndale the sidewalk stops. It looks like crossing over there is a sidewalk that goes up to one of the residences. I would suggest that you should connect the sidewalk from that point at Ferndale down to the existing sidewalk in front of the building. What that would do is connect the upper sidewalk all the way down to the front of the building. Then create a cross walk across the street to connect to the sidewalk in front of the building midblock. I asked Dave Simmons about that today and he said that that would be feasible to have a midblock crosswalk there. That would connect people from the building and anyone who is walking on that side of the street to cross the street to go to the sidewalk on the other side of the street. That would create connectivity in the neighborhood. And the concern Mr. Couce brought up is if this is a C(2) variance there needs to be a public benefit involved and not just a benefit to the applicant.

Mr. Knutelsky stated: I know that this was discussed with Mr. Simmons today but I would take the position that we would want the crossing closer to Ferndale and have the same result. Move the crosswalk further to the North because then it's happening at the intersection and it's not considered a midblock crosswalk.

TOWN OF NEWTON
PLANNING BOARD
NOVEMBER 18, 2020
MINUTES

Ms. Caldwell stated: I'm open to either but I think that creating the sidewalk on that side of the street isn't a sidewalk to nowhere. It does connect to the sidewalk North of Ferndale and it does create pedestrian connectivity in the spirit of the ordinance and creates a public benefit.

Discussion ensued about existing driveway, sidewalks, and crosswalk.

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

Discussion continued to ensue on where to add sidewalks and the cost of crosswalks.

Applicant took a break to discuss their options.

Mr. Kelly stated: We would like to install a sidewalk from the first door on the right side of the building next to the first garage door all the way across the front of the building to the parking lot. We will also paint two crosswalks; one on hillside and one on Ferndale with a small concrete pad that will be ADA accessible.

Mr. Russo made a motion to accept the request to reconsider. Mr. Marion seconded it.

Aye: Mr. Marion, Mr. Flaherty, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Russo, Mr. Couce, and Mr. Le Frois

Request approved.

CORRESPONDENCE

Meeting Dates for 2021.

Unanimously approved.

EXECUTIVE SESSION

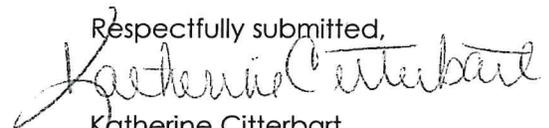
None.

PUBLIC PORTION

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

Mr. Russo made a motion to adjourn the meeting. Motion seconded by Mr. Marion. The meeting was adjourned at 9:37 PM with a unanimous "aye" vote. The next meeting will be held on December 16, 2020 via ZOOM.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary