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The regular meeting of the Newton Planning Board took place on the above date via ZOOM. 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.

OATH OF OFFICE: None

SALUTE TO THE FLAG: Was recited.

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Dickson, Mr. Schlaffer, Mr. Russo, Jr., Mr. Ragsdale, Mr. Schick (arrived late), Mr. Ricciardo, Mrs. Le Frois, Mr. Le Frois

Professionals present: Jonathan Frodella, Esq., Laddey, Clark & Ryan
Jessica Caldwell, J. Caldwell & Associates
Annie Hindenlang, Topology
David Simmons, Harold Pellow & Associates
Douglas Doyle, Esq., DeCotiis, FitzPatrick, Cole & Giblin, LLP

THE SUNSHINE STATEMENT: Was read.

CONSIDERATION OF MINUTES

March 17, 2021

A motion was made by Mr. Marion and seconded by Mr. Russo to approve March 17, 2021 meeting minutes.

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

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

None

OLD BUSINESS:

None

DISCUSSION

Farm Pointe of New Jersey (#P-11-2020)

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Block 13.05, Lot 1
Main and Nelson Street

The applicant is requesting a modification from the 5'5" x 7' electronic message board approved on October 21, 2020 and memorialized on November 18, 2020 to a traditional printed, double-sided, and interior-illuminated sign.

Michael York, Esq. represented the applicant and explained the need to change to a standard sign due to the unanticipated high cost of the electronic sign. The standard sign will be the same size as the one approved and will conform with all necessary sign standards.

Discussion ensued between Board members.

Ms. Hindenlang reviewed her report and stated that it meets the sign standards required by ordinance. She also confirmed that due to the pandemic construction costs have increased.

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

A motion was made by Mr. Ragsdale and seconded by Mr. Russo to approve the requested sign modification.

AYE: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Hall-Romer, Mr. Dickson, Mr. Schlaffer, Mr. Russo, Mr. Le Frois

NAY: Mrs. Vrahnos, Mr. Ricciardo

The motion was carried.

NEW BUSINESS

Ordinance 2021-8 – An Ordinance to amend, revise, and supplement section 320-4 entitled "General Provisions" of the Newton Town Code to create setback exemptions for wheelchair ramps in all zones.

Ms. Caldwell presented the Board with information on the proposed ordinance. The Board had an application come before them last year in which the proposed wheelchair ramp did not meet setbacks and had to come before the Board seeking a variance. The Zoning Officer had observed multiple occasions of applicants needing a wheelchair ramp but not meeting setback requirements. Based on this fact it was deemed appropriate to create an ordinance to allow for setback exemptions in all zones for ADA compliant wheelchair ramps so they can be constructed without a variance application. The ordinance is on referral from the Town Council on review for consistency with the Master Plan. It serves the health and safety of the public and it is consistent with the Master Plan.

A motion was made by Mr. Marion and seconded by Mr. Flaherty to find the ordinance consistent with the Master Plan and appropriate for the Town Council to approve.

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

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The motion was carried.

Memory Park – Babe Ruth Project – Jessica Caldwell, Town Planner

Ms. Caldwell stated: I'm working on the Babe Ruth project which will implement drainage improvements to the existing ballfields located at Memory Park. The overall goal of the project is to increase the usability of the fields from flooding. Improvements include green infrastructure, expanding the existing rain garden, create pervious pavement in the parking areas where it's currently impervious, and doing other drainage improvements to just increase drainage away from those ballfields. This project was already being planned and underway when we were made aware of an Urban Parks Grant that the Town was eligible for. The grant funding amount would pay for nearly all of the cost of this project which is quite significant at over \$500,000. Part of the grant requirements are to have a consistency review from the Planning Board and a letter of recommendation. So, I did submit a review of the proposal with the Master Plan and did find that it was in keeping with numerous goals in our Master Plan in terms of providing for recreation and serving the general public, improving the visual environment, conserving natural resources, promoting green infrastructure, and a whole host of goals and objectives from the Master Plan. What I would request this evening is that the Board find our proposal for the Babe Ruth project to be consistent with the Master Plan and authorize the Board Chair to sign a letter of support and also agreeing with the consistency of the project with the Master Plan so that we can submit it with our grant next month.

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

A motion was made by Mr. Russo and seconded by Mr. Marion to find the project consistent with the Master Plan and to authorize the Board Chair to sign a letter of support.

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

The motion was carried.

121 Water Street Holdings, LLC (#P-4-2021)
Block 10.01 Lot 4
121 Water Street

The Applicant is requesting minor subdivision and site plan approval for a multi-use development.

Sworn in: Annie Hindenlang, Topology, PP
Brian Intindola, Neglia Engineering Associates

Jonathan Frodella, Esq., Laddey, Clark and Ryan, represents the Planning Board.

John Ursin, Esq. Schenck, Price represented the Applicant.

Sworn in:

Owen Dykstra, 11 Lawrence Road, Newton, Dykstra Associates, NJ. Engineer and Applicant's representative
Jason Dunn, 11 Lawrence Road, Dykstra Associates, Planner and Landscape Architect

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Paul Swartz, Architect, USA Architects, 20 North Avenue, Somerville, NJ
Elizabeth Dolan, Dolan, Dolan & Dean Consulting Engineers LLC, 181 W. High Street,
Somerville NJ, Traffic Engineer

Mr. Doyle, Redevelopment Attorney for the Town of Newton, stated: Town Manager Russo asked me to give some preparatory remarks before the application begins because this application is slightly different than other applications that this Board has heard in the past. Mr. Chairman, Mr. Mayor, and members of the Planning Board, my name is Douglas Doyle, and I was recently appointed as the Redevelopment Attorney for the Town of Newton. The application before you this evening is slightly different than applications you may have seen in the past. Your duties and obligations don't change but the backdrop of how this application came before you is important for the Board Members to have. As you may recall, some time ago the Governing Body asked you members of the Planning Board to consider whether this area that is the subject of this site plan application meets the criteria to be designated as an Area in Need of Redevelopment. You made that determination and recommended to the Governing Body that they should declare this Area in Need of Redevelopment. Thereafter, a plan was developed in concert with the applicant that's before you this evening. That plan was developed with Municipal Planners and Engineers and experts to make sure that it was something that was consistent with the Master Plan. That plan was then presented to you, reviewed by you, and you made a recommendation back to the Governing Body that the plan should be adopted. Having said that, what is before you this evening is a plan that for the most part if not almost entirely is consistent with the very plan that you recommended to the Governing Body and the reason why we went through that process is, unlike other developers that acquire pieces of property and then try to see if they can develop them, this was a piece of property that the Town believed was important to have redeveloped and have put back on the rent rolls and to have redeveloped in a way that was consistent with the overall goals of redeveloping the Town of Newton. It is essentially a public private partnership with the Town. So, it's with that backdrop that I would ask that the Board perform its statutory duties. Those duties don't change in terms of your obligations. I just wanted you to understand how this came before you since a lot of time may have passed since you designated an Area in Need of Redevelopment and since you adopted a plan for this area. Thank you very much Mr. Chairman and members of the Planning Board.

Owen Dykstra stated his educational and professional background as a licensed Engineer. He has testified before multiple boards in NJ. His license is current.

The Board accepted his credentials.

Mr. Ursin prompted Mr. Dykstra to describe the project.

Mr. Dykstra referenced the colorized site plan and stated: We're excited to be here tonight. It has been a long road getting to this point and we're excited to discuss it this evening. The property is the former G&H Sales Center. It's located at the intersection of Route 206 and South Park Drive. It's located between ShopRite and Weis Markets. It's a 5-acre site that's known as tax lot 4.01 block 10.01. The site slopes gently to the southeast. There are three existing buildings on the site which will be demolished. There's an existing parking area and a gravel lot. There's an access easement across the easterly portion of the property which is the rear entrance to the Weis as well as a couple homes up in that area. There's a water and sewer easement that the municipality has that runs through the property. There's also a utility and drainage easement on the southerly portion of the site. On the westerly portion of the site there is a DEP notice which is

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for the historical fill that is located in that area. When they constructed Route 206 originally, they brought in fill that was not clean and this historical fill was on that parcel and that limits that area to commercial uses and restricts stormwater infiltration in this historic fill area. During construction and when we go to construct this property, the lot will be monitored by a licensed site remediation professional to ensure the cap is maintained and the historical filler material remains on site. The property is located within the 121 Water Street Redevelopment District. The site design has been developed in substantial compliance with the approved 121 Water Street Redevelopment Plan. All of the area bulk requirements of the Redevelopment Plan have been met with the exception of 4.2.4.F.c which requires four-story building setbacks be a minimum of 6 feet from the outer most facade plane of the building along the street frontages. Also, a number of design deviations as well and these include screening of parking area with a 3 1/2-foot decorative wall or landscape feature, a required 10-foot minimum buffer planter strip between surface parking on our lot, and surface parking on a neighboring lot. We have a number of light posts that had to be a maximum of 16 feet in the parking areas and we were proposing 24 foot maximum. Also, there are some minimum standards for sidewalks of eight feet where we are requesting less, between four and six feet. There's some sign deviations and a stormwater standard deviation from the best management practices for the maximum depth of water and infiltration basin. We propose to subdivide the property into two lots. If you're looking at my screen, you'll see this yellow line down the middle. The westerly side is the commercial lot. The easterly side is the residential lot. The westerly is the one that will have the historic fill on it that I mentioned earlier so that's why we have to maintain that largest commercial property tax lot 4.02 as a 1.83-acre lot along the highway frontage. That will be the commercial parcel. Two buildings are proposed on this lot. The southerly building will house a 3,750 square foot Panera with the drive-thru that's located here. The typical operating hours of this facility will be 6:00 AM to 10:00 PM. They have a total of 70 employees with a max shift of approximately 16 to 20 employees. The northerly building has restaurants two and three. Restaurant two is a 2,472 square foot Chipotle. Their operating hours are 10:45 AM to 10:00 PM they have a total of 35 employees with a typical shift having eight or nine employees. Restaurant three is up here on the northerly side of the building. It has a 2,500 square foot Starbucks with a drive-thru. It's typical operating hours are 5:30 AM to 10:00 PM. They have a total of 25 employees with the typical shift having five to six employees. I'm happy to say that as of last week we secured the third of these three leases. So, all those leases are signed, and the tenants are happy to be part of it. Lot 4.01 is the three-acre site to the rear of the property that we proposed for the residential uses. Buildings A1 and A2 are sister buildings each having 23 one-bedroom units and 16 two-bedroom units in each. Building A3 will have seven one-bedroom units and 15 two-bedroom units. The plan incorrectly labels it as 22 single-bedroom units. This will have a main courtyard located between buildings A2 and A3. They will have outdoor seating areas and outdoor gathering areas with tables and barbecues. This area will be landscaped and provide shade trees for a comfortable environment. Building A3 will have a roof deck on the 4th level for all of the residents of buildings A1, A2 and A3 that will overlook the site. It also has an interior party room attached so if people want to have an event, they can have it in that location. The residential buildings will all have key fob access to monitor who enters the buildings as well as security cameras to monitor the site entrances, hallways, and dumpsters. There are also cross easements proposed for utilities. The stormwater from the front line runs through the rear lot in order to get to the infiltration basins. The sewer lines run through the middle in order to connect to the sewer line located along the property. Vehicular circulation has been provided through three access points to this existing site. There's an access point located here on Route 206. It's right in for northbound traffic only. There's an access point located across from ShopRite that is a full width full access entrance. It has two lanes entering. One primarily for entering the site and one to allow for backup of the Starbucks drive-thru. The final entrance is at the rear of the

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property that comes behind building A3 and connects to South Park Drive. This access onto 206 together with the signalized intersection and all of the improvements in the DOT right-of-way are subject to DOT permitting. We have a major access permit application pending with the DOT. We just got a review back from them which took a long time and they requested that we prepare a mitigation plan that would allow for two auxiliary lanes in the highway in order to improve traffic in this area and then they would assess us a fair share of the cost based on our proportionate share of the impact to the area. Two of the three access points are connected through internal driveways. There's a loop through the center of the property that segregates the residential from the commercial and then there are driveways running through the residential portion as well and you can also loop through the commercial portion in both directions. All of the lanes are 12 feet wide. Lanes are a little wider on this main access to accommodate truck access and emergency vehicles. We've also provided a safe and inviting activity through a sidewalk network between the residential and commercial uses and the existing sidewalks network along Route 206 insurance ensuring accessibility for all users. Trees have been provided along the primary sidewalk between buildings to provide a canopy and more comfortable pedestrian environment in keeping with the sustainability goals of the Redevelopment Plan. All of the sidewalks on the rear portion of the property are governed by the residential site improvement standards and have met all of the requirements. A crosswalk is proposed at the center of the property to connect the residential component to the commercial component. We felt this was the safest place to cross with all these different lanes going on over here. There will be a crosswalk located here for anybody coming to the west along building A2 with the other across the street and then cross at this point that connects to a four-foot crosswalk that comes up into this area and connect you to the circulation pattern that loops around building A1 and up into restaurant one and restaurants two and three. There's a 6-foot sidewalk proposed along restaurant 2 and that allows for some planting area along that the foundation of that building. There's a 5-foot sidewalk along restaurant 1 which allows for a 3 ½-foot wide planting area. I'm going through all the dimensions on these sidewalks because the Redevelopment Plan contemplated 8-foot sidewalks everywhere and we feel it's more appropriate to have more green space and balanced the green space with the appropriate size sidewalks for where people are actually moving through the site. We also had along the Route 206 proposed 6-foot-wide sidewalk total. It would be 2-feet of pavers and then four-feet of concrete. That obviously would be governed by DOT requirements so we will work with them on that. Then we run that same sidewalk along South Park Drive to the first entrance. Crosswalks are provided at all of the pedestrian driveway crossings for pedestrian safety. We have 24-foot streetlights and 15-foot decorative lights which blend with the architectural style of the community and are proposed throughout the site. They will be on from dusk till dawn to provide a safe nighttime environment for the parking and pedestrian areas. Lighting has been provided with an average of 4-foot candles on the parking and sidewalk areas. With a minimum of a half foot candle other than the area along Route 206 for the DOT requirement to be 2-foot candles. All lighting is LED, downward facing, dark sky compliant in keeping with the sustainability goals of the Redevelopment Plan. We are requesting a deviation from the 8-foot sidewalk standard in order to reduce the impervious area and provide more green space and planting areas, and to allow 24-foot streetlights where 16-foot max are allowed. Wide sidewalks are proposed along the public frontages where the restaurants have outdoor dining. The 24-foot streetlights are in keeping with the neighboring properties and will be scale with the taller buildings on the site. They also provide a more consistent lighting pattern and less poles impacting the pedestrian realm. These deviations can be granted as they keep with the purpose of the Redevelopment Plan by providing more green space as well as a well-lit pedestrian area. The commercial area, which is the front lot, will have 89 parking stalls where only 55 stalls are required. We came to this parking ratio not as a function of your ordinances or the Redevelopment Plan but rather in

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discussion with the restaurant tenants. They were looking for 9 spaces per thousand which is appropriate in a restaurant environment and being that all three tenants are restaurants we felt that was appropriate. Plus, it was a requirement to get them to sign their leases. Each restaurant also has three designated rapid pickup stalls. The Panera has two pull forward spaces for utilization and maximizing the moving cars through their drive-thru. We have 10 spaces designated for winter snow storage and 9 EV spaces for electric vehicles. There are two proposed drive-thrus, and each has been carefully coordinated and designed with each of the tenants to ensure there is adequate stacking and allow for efficient vehicle flow through the property. The Starbucks drive-thru has the new size, based on our experience at a similar site, on the site. Stacking at that site proved inadequate with the onset of COVID-19. We implemented a temporary stacking pattern on that site which allowed us to monitor the stacking during peak hours. Based on that study we found the max stack reached up to 14 cars and typically reached 11 cars. We used that data in order to redesign this site. Originally, we had a 9-car stack here and we expanded it to 11 cars. It could actually accommodate 17. So, we're very confident that the Starbucks drive-thru, based on our assessment and our experience, will not cause any back up into South Park Drive and will be accommodated entirely on site. The Panera drive-thru design was coordinated with Panera operation staff. What we found is their drive-thru is a significantly lower volume than the Starbucks. They averaged 30 transactions during the peak hour with an average transaction time of four minutes. They provide two pull forward spaces for large orders that would exceed their four-minute transaction time. They find that an 8-stack drive-thru is adequate for what they utilized it for and for their business model so that has been designed in accordance with Panera's people. We're confident based on what they're telling us that this is an adequate stack for their use. The commercial lot will also have exterior bike racks to provide parking for four bikes which meets the two spaces per building requirement. They will be located in the center of the retail area. There is a buffer requirement in the redevelopment zone for 10-foot landscaped area between the curb on two properties. We only control 5 feet, and we have 5 feet of landscaping here. However, Weis is also five feet off so there's 10 feet effectively. It's just we only control 5 of it so we're asking for the deviation for this area to be 5 feet instead of 10 feet. Also, there's a property line that we're creating and we're not providing a buffer between our two sites and we are asking for a design deviation. The Redevelopment Plan calls for a 3 ½-foot wall or landscaped area. We feel it's more appropriate to have landscaping. You have more visibility through it, and it creates a break, but it doesn't provide a solid wall. Each of these deviations can be granted as the purpose of the plan is advanced by the deviation by providing more light and air between the space as well as providing appropriate view lines into the site to enhance commerce. We had thought we required a deviation for the number of trees in the parking lot but the Planner determined that we do not. We have one loading area provided for this area. It's designed for a box truck. Fresh goods are delivered each morning. Paper goods and delivery of fresh goods take place in the early morning and paper goods in the afternoon. Chipotle similarly has four to five deliveries a week in the morning before the restaurant opens and Starbucks has three to four deliveries a week and they are typically in the afternoon. Each of these deliveries typically take between 15 and 20 minutes so the one loading area is appropriate and it's what's required by the ordinance. In addition, each restaurant will have its own trash and recycling area. Near the loading zone are three separate trash areas. The trash enclosure will be a decorative metal and will screen the dumpsters. There will be employee gates on each and large gates for use during the pickups. Trash will be picked up three to four times a week from the commercial areas. We worked with each tenant to ensure that we have met their space requirements for their trash. We have worked with Starbucks in the past and we worked through this process to make sure that it's appropriate. There is nothing worse than not enough room for trash on a site like this. Proposed lot 4.01 is the residential lot. It will have 120 parking stalls which exceeds the minimum

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required of 113. A number of the stalls have been designated ADA stalls. There are 17 store stalls designated for snow storage space. There is a concern because we have lockers here for deliveries that the snow storage spaces were in front of them. So, we've decided to eliminate those four and utilized 13 snow storage spaces in this area. There's also 12 EV ready spaces. There's six along the infiltration pond and six along the rear property. It will also have exterior bike racks to provide bike parking for six bikes which exceeds the requirement of 1 space for 20 units. The basement in building A3 has elevator access and has a storage area for tenants. The elevators in all of the buildings have been sized to accommodate stretchers as required. The plan has been provided to the Fire Marshal and they've indicated he may require some of the stall parking areas removed for access to the utility rooms so we will be discussing it with them. We have seven extra stalls on the residential portion, so we have some flexibility. We would prefer not to lose any stalls as parking in this area is at a premium, but we will work with them to make sure that it's appropriately managed. The plan has an existing sewer and water easement running through the property that comes through this area. That connects water and sewer from South Park Drive to the water and sewer in Weis Market. Our buildings and all of our improvements respect that. However, Dave requested an additional 5 feet be added to the easterly side because the water line in that easement is more towards the easterly side and that would allow the Town access to get at it. We can accommodate that on this site. We have trash compactors located in this area. They provide one for trash and one for recycling. There will be a trash enclosure here that is decorative metal with the pedestrian gate at the rear that would provide access. These areas are connected by sidewalks to the residential buildings with building A2 being the farthest. If you come out the front door of A2 and down the sidewalks, it's a 400-foot walk. We anticipate tenants delivering their own trash to the refuse area. However, we do provide a porter service for tenants that need assistance or prefer not to bring their trash to the dumpster. We anticipate trash in the compacter area will be picked up twice a week. Each building will have a mail room for U.S. Postal service inside and all of the other delivery services such as Amazon and UPS will utilize the locker system that is on the exterior adjacent to the sidewalk. One loading area is provided centrally located between the three buildings. This will provide space for moving trucks to load and unload once the site is leased up and complete. Once the property is stabilized, we anticipate one apartment will turn over weekly so one loading area is appropriate for the scale of this facility. A stormwater collection system has been developed to address the stormwater impacts of the proposed development. We have two small-scale infiltration basins. This is part of the new DEP regulations. Originally, we designed this with one infiltration basin in this rear corner. However, they require that you can't have more than two and a half acres draining to an infiltration basin. So now we have a parallel system. It runs through the site to deliver the stormwater to two individual infiltration basins. However, they are now considered green infrastructure so that's the benefit of our dual draining system. The post developed discharge from the site has been reduced and now exceeds the requisite standards. The groundwater recharge and water quality requirements have been met. A design deviation is requested for the maximum depth of water in the infiltration basin for the water quality storm in order to reduce the footprint of the basin. The best management practices indicate there's two feet allowed, and we exceed that by .6 feet in basin S1 and 2.3 feet in basin S2. In order to address concerns of safety with deeper water we provided a black chain link fence around the infiltration basin. This will address the safety concerns along with adequate escape provisions. This deviation can be granted as the purpose of the Redevelopment Plan is advanced by minimizing the surface area of the stormwater facilities, allows room for adequate parking and more open space for amenities, and these benefits outweigh any detriments of allowing the deeper water depths or less than 8 hours during storm events. We can also agree to Dave's other comments with regard to storm water. There's also a JCP&L easement for power that runs across the rear of the property. Dave has asked that we

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contact them to let them know what we're doing, and we will do that and make sure they're OK with the improvements that are within their easement. Each building will be connected to the water and sewer system for water supply and sanitary sewage with the residential buildings having fire lines for the sprinklers. We can integrate Dave's comments on the water and sewer with the exception of the maintenance agreement he requested for the restaurant sewer lateral. We have three restaurants here and they come to one lateral that come and connect here. He requested that we do a maintenance agreement but since it's one common owner and we manage and own the sewer lateral there's no need for a maintenance agreement. We also reviewed the comments with regards to landscaping. We will provide a minimum caliper tree at 3 1/2 inches. We also will provide foundation plantings along the southwest side of restaurant one as Dave had requested. On the north side of restaurant 3, that's along the drive-thru area, Dave had requested we plant that area as well. We prefer to do a decorative stone in that area because it's a pretty harsh environment due to the drive-thru and being on the north side and not getting much sun to grow things. Per Annie's request we reviewed the invasive species list and there was one tree, the zelkova tree, which was considered an invasive species. We will replace that tree with the willow leaf oak which is not an invasive species. As far as gas and electric, there will be gas and electric provided to all of the buildings. The three restaurants will have gas and electric. All of the buildings will have gas for the hallways. However, all of the units will be entirely electric. There will be a meter stack. We haven't been able to figure out where it's going exactly on each building. That will be determined with JCP&L once we get title to the property. They won't work with you until you have title to the property. Once we have that we'll be able to show it on the plans and then we can work with Annie and Dave on screening it if necessary. There are no generators proposed and all of the HVAC equipment will be located on the roofs and locations where they won't be visible from ground level. The proposed signage on site will be internally lit. There is a proposed monument sign along Route 206 that's located right at the center of the property. In addition, we have the Water Street Loft sign located at this four-way intersection in the middle of the site. Dave has asked that we look at the location of this as far as sightlines. We will work with him on the best location. There are two deviations on signage for the Panera drive-thru signage. Their prototype equipment for the pre menu board and the menu board is slightly larger than the allowed area. They are requesting to use their prototype equipment which would require a deviation for the pre menu board to allow 14 square feet where 12 square feet is allowed and for the menu board to allow 35 square feet where 30 square feet is allowed. The 12 square feet and 30 square feet are based on Starbucks. So that's where that square footage had come from. We are looking to phase the project as presented on the site plan. Our timeline would be to begin work as soon as possible. We are scheduled to close on the property, assuming we move through this approval, in June with the goal of starting demolition and site work in July. If this Board will look to approve this application, we would like to request waiver of resolution in order to be able to submit plans for a demolition in order to get that process started. The initial phase of the demo and site prep are looking to begin July 1st. If all goes per schedule our goal is to turn over the restaurant buildings which will get under construction first in the first half of 2022 with the goal to complete the entire project in an 18 to 24 month time. We have entered into a redeveloper agreement and financial agreements with the Governing Body. The plan that we presented is very much in compliance with the Redevelopment Plan other than those deviations that I mentioned and a couple that Paul Swartz, the architect, will go over.

Mr. Ursin introduced Mr. Swartz.

Mr. Swartz described his educational and professional background. He has been a licensed Architect in NJ since 1981. His license is current. He has testified before Boards many times.

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The Board accepted his qualifications as a licensed Architect.

Mr. Swartz referenced the colorized version of the architectural plans and stated: I'm going to focus on the architecture. In the foreground we've got Water Street and to the left we've got Chipotle and Starbucks. We've got Panera on the right and in the in the background we've got the residential buildings. It's primarily a grayish brick and then highlighted at the entrances with the precast concrete. It's not atypical to what is done nationwide for all three franchises. They are about 24 foot tall, one story buildings and they're pretty much in scale to some that you may have seen throughout your travels. We're looking at some of the elevations of the various components. In the top left corner is building A3. The intention here is that the building would be set back or broken up with various materials and different scales so that you see more of a red brick on the side. In the center area is sort of a metal vertical panel which begins to emphasize the entry. The entries are set back and also highlighted by the landscape that brings you into the building. But the important part is that the windows are of different sizes and different scales so it doesn't look like one repetitive office building you would see through the suburbs of New Jersey. With regard to the roof plaza above, we've got that water table between the 3rd and 4th floor. There is a slight set back with the intention again to show a break in there. We've got the definition of the top building. Both those areas and the areas immediately to the right will be done in stucco, the red brick, and then the darker gray metal panel to help define the entrance. To the right you've got building A1 and to the left side is building A2. In the background is building A3. The idea is that the offset of materials begins to create a horizontality and also a vertical expression so that you've got in the middle the stucco sort of articulation, different kinds of windows, and then on the left and the right again you can see the design intent is to break it down. It almost begins to emulate an old mill or something that has a fenestration that looks bigger but yet has the articulation of the balconies. In regard to the entrances, it is adjacent to the metal vertical elements. It is intended to be softened and set back rather than crying out. You might normally see a canopy. We didn't feel it was necessary. There's a total in the three buildings of 100 units. They're not big footprints. Each one of the buildings are typically a little bit smaller than your average size mixed-use project. The larger buildings, buildings A1 and A2 are only 11,000 square feet on a footprint giving you a total of about 44,000 square feet. Building A3 is smaller at around 7600 square feet or total 30,560 square feet so again relatively small footprints but the intent is to break up scale as part of the Redevelopment Plan to make these buildings feel a lot smaller and make it more like a campus. For the retail components you can see they are about 24 foot-tall one-story buildings. The idea is that it's primarily gray brick with a horizontal water table that would break it up. Windows are much more vertical to be able to allow enough light in and then the entrance is defined by the precast elements. It's pretty similar through all three of those buildings.

Mr. Ursin prompted Mr. Swartz to explain the 4th floor setbacks and the proposed deviation.

Mr. Swartz stated: I mentioned earlier these are relatively small buildings for a mixed-use project. The problem is that because they're smaller and we're trying to keep this within the Redevelopment Plan there's no way we can set it back six feet. We would lose most of the units on the 4th floor. We felt that the articulation of the water table at the top that begins to break the plans here you can imagine that once we set it back and we lose that six feet around the perimeter it's really not going to work. Typically, when we do mixed-use projects and we're doing a lot of them all the units are stacked. It is wood frame construction that is framed continuously throughout. On building A3 we are sending it back to create that rooftop deck. The articulation of that water table there is a slight set back on the left side where you get to see

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a little bit of a transition. But primarily it's because these buildings normally are stacked floor by floor for a number of reasons such as plumbing. But again, the footprint, the size of it, would not allow it to work if it were only a 6-foot set back.

Mr. Le Frois questioned: It looks like there is a small setback at the water table. Is there one?

Mr. Swartz stated: The set back is 6 to 8".

Mr. Le Frois questioned: Regarding the EV charging stations, I have two questions. Number one, are they only for Teslas or are they also for the generics? Question number two, are they quick charging or regular charging?

Mr. Dykstra stated: We still have to select a purveyor. There's a lot of companies that are coming out with them right now so we're kind of sitting back and waiting to see. Ideally, we would use the high-speed ones in the commercial section. In the residential you can get away with the overnight charges.

Mr. Le Frois questioned: I'm not complaining about the deviations for sidewalk widths because the positives of that are more green space. My question is on the parking buffers. It sounds like you're doing a lot to increase green space but yet you're still needing deviations on the buffers between adjacent properties. Was there something specific that couldn't be done just based on the way that the space is, that the property's laid out, or are you purposely reducing the buffers to gain some kind of additional space for drive throughs or something else?

Mr. Dykstra stated: The buffer of 10' between curb lines, we technically have the space it's just we don't control it. We have five feet on our side and Weis has five feet on their side. For the frontage we find that is more aesthetically pleasing than a linear wall or linear plants.

Mr. Ricciardo questioned: Is there any additional buffering you can do in the rear of the building where the salvage yard is?

Mr. Dykstra stated: There is not a lot of room there for any additional buffering. We did make the windows in those units smaller.

Various Board members expressed concern regarding the entrance/exit being directly across from Shoprite; concerned with congestion and left hand turns on to South Park Drive and subsequently onto Route 206.

Mr. Doyle stated: I also wanted to bring to the Board's attention that simultaneously with this application the good news is redevelopment seems to be taking off here in Newton. ShopRite is looking to do an addition and expansion and I think we're going to be able to accommodate some of those concerns with respect to the two driveways essentially facing one another. As they go through their application process we're going to see if we can deal with that to mitigate the problem.

Mr. Flaherty questioned the lighting height of 24' versus 16'.

Mr. Dykstra stated: When you have a 50-foot-tall building and you put a 16-foot light next to it, it looks out of scale. That is one of the reasons. The other reason is you get a more consistent light when you go to a 24-foot height and you have less fixtures required. So, you have on the

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ground more room for landscaping. By reducing the number of lights, you can expand the landscaping. In this environment where you're between ShopRite and Weis it's the appropriate balance.

Mrs. Vrahnos questioned if the windows open in the residential unit and how much.

Mr. Swartz stated: The windows only open up 4" maximum.

Portion opened to the public. No public stepping forward. Portion closed.

Mr. Ursin introduced the Traffic Engineer, Betsy Dolan.

Ms. Dolan described her education and professional experience. She is a licensed Engineer in NJ and her license is current.

The Board accepted her credentials.

Ms. Dolan described the traffic impact study and stated: I'll start with the DOT aspects of this application. We are on Route 206 which is under their jurisdiction. We initiated a DOT pre application meeting to discuss the access that would be permissible on Route 206 and we are limited to right in, right out which is shown on the plan that Owen presented. We have two alternative access driveways on South Park Drive and we are proposing them to be full movement driveways. I think it's a legitimate concern about what happens with the busy hours opposite the ShopRite driveway with our westernmost driveway, the one that's closer to route 206. However, I would point out that any delay is going to be incurred on site. Someone did mention we don't necessarily want to push the commercial traffic through the residential portion to our easterly driveway to force all the left out, but I do believe that will be self-policing in busier traffic hours. I would also point out that the commercial components are convenience-type uses. People aren't going to want to necessarily make left turns. Pass-by traffic has been studied by the Institute of Transportation Engineers and by our office and other traffic consultants throughout New Jersey and these fast-food type uses take advantage of the existing traffic. A lot of the traffic is therefore right in right out and in this case on and off of Route 206. So, while we have modeled a fair amount of left turns in our driveway opposite the ShopRite driveway I don't necessarily believe that we will see that level of activity. Again, that activity that left turn delay is all associated with onsite activity and not compromising the traffic on South Park or Route 206. I think this is a well-designed site. The amount of stacking that is provided for on our internal driveway on the approach to South Park opposite the ShopRite driveway can accommodate several vehicles and I don't expect queuing to develop to a degree that would compromise the on-site circulation. I think it is an appropriately designed site considering the requirements and restrictions of NJDOT access on Route 206 which limits us to right in right out.

Mrs. Hall-Romer questioned if there will be speed limit signs on the property.

Mr. Dykstra stated: No. That would be atypical.

Mr. Le Frois questioned: How long will the full project take?

Mr. Dykstra stated: I anticipate we're looking at 18 to 24 months.

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Annie Hindenlang referenced her report and stated: We have had a couple of conversations with the developer and their experts and a lot of the issues were resolved or understood or explained in the presentation. There are a few things I'd like them to discuss. We want to ensure that the size and the maturity of the plants are appropriate and isn't just ground cover. I could still use a little clarity on the onsite circulation throughout the site. Particularly from the pedestrian perspective. I noticed where some crosswalks were missing. Can you confirm that there's only two portions of sidewalk that are less than 6 feet? Also, can you just kind explain how that goes throughout the site.

Mr. Dykstra indicated on the plan where the four and five-foot sidewalks were located.

Mr. Dykstra stated: You mentioned in your report six feet was appropriate for two handicap people to pass. When you look at the actual number of people that will be utilizing these sidewalks at a point in time the likelihood of that is pretty small. It will likely get one passing and maybe a pedestrian on foot. There's space in between these areas so in the unlikely event that would happen then someone could bypass at the crossings. Your other question was with regard to crosswalks. Obviously, there's a crosswalk missing here and here. There will be crosswalks at all of the areas where the sidewalks interchange any of the intersections.

Mr. Le Frois questioned: So, you will provide crosswalks where both Annie and our Board Engineer indicate?

Mr. Dykstra stated: Yes.

Ms. Hindenlang stated: And in terms of the sidewalks, I know we discussed some of the internal sidewalks and you had mentioned that the frontage sidewalks are six feet. I would consider those two sidewalks coming off of the main sidewalk along Route 206 as a frontage sidewalk. You could have a mom or dad with a stroller and a kid with a dog. It's a much more friendly passageway at six feet. I would ask you to consider those two sidewalks by the main entrances be increased to six feet.

Mr. Dykstra said: We will make them six feet.

Ms. Hindenlang brought up questions regarding the architectural layout and requested more explanation.

Mr. Swartz referenced the architectural renderings and stated: We do a lot of mixed-use projects and the one thing that we feel is appropriate is not trying to create a continuous band or rhythm of equally spaced openings or fenestration because to us that begins to look more like a suburban office building. The idea that you've got varying size windows is something you will find looking at an old building. Giving it a variety of rhythm and that's the way to breakdown the articulation. A lot of times architecture is really in the eyes of the beholder. We've tried to find a way, so it does not look monotonous throughout the façade. Obviously, the other thing that we're doing is we're trying to break up the façade in different ways both in the vertical and horizontal plane. The first break is between the 1st and 2nd floor. There is a precast element there that begins to break it up in a horizontal manner. As well as the water table that separates the 3rd and 4th floor. There is a physical separation of 6" between the water table and the top piece which is part of the roof parapet. If you feel it's appropriate, we can get a small canopy to define it. Or maybe a sign will help to define it.

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Ms. Hindenlang recommends the applicant use no more than three different types of windows and that the applicant highlight the entrances more as in accordance with the code.

Ms. Hindenlang questioned: Sustainability was mentioned in the Redevelopment Plan. I know that you have the electrical vehicle spaces but is there any other element or piece of the project that contributes to sustainability? Whether it's green infrastructure, or the materials used, or the appliances used, or anything like that?

Mr. Dykstra stated: Yes. We will use Energy Star appliances. We have created structure in the filtration ponds that are proposed which provides your groundwater recharge and also for water quality before discharge. The landscaping is very well done and does not require a ton of irrigation which is a typically a good thing in this environment.

Mr. Swartz stated: While our firm, USA Architects, is not seeking LEED Certification, it is one of the leading sustainable architects in this State. Our specifications and the selection of materials is all based upon sustainability. As Owen mentioned we will use Energy Star appliances, but it goes beyond that in terms of flooring materials, paints, and even mechanical systems.

Mr. Simmons referenced his report dated May 12, 2021 and stated: With regards to the zoning and any deviations, Mr. Dykstra went through all of them with regards to the height of the fixtures and the sidewalks. There were a couple areas that we didn't touch on that much. One is the minor subdivision that's involved. Basically, both lots would conform to the requirements after the proposed subdivision. On page 2 and page 3 of my report, with regard to the subdivision Mr. Dykstra indicated that they would need that additional easement for some water utility. This application would have to be approved by the Newton Utility Advisory Board and their recommendation sent up to the Town Council. Subject to the report to the Utility Board I believe the applicant has agreed to do all that type of easement work on the proposed subdivision. With regards to the site plan, most of the items were agreed to. As far as the parking goes, they've eliminated some snow areas. I highlighted all those so that the Board realized what was going on with those. I did speak with Mr. Dunn earlier regarding the Fire Marshal and the Fire Subcode Official and what spaces they may require with regards to accessing utility room and Siamese connections and restricted areas for parking so that fire and emergency vehicles had access. I'm anticipating, just like we had in the Quantum Realm application, that there may be a few spaces that are eliminated. With a buffer of spaces, I think that can be accommodated without that much of an issue. On pages six and seven regarding stormwater management, we had done the initial report and discussed that with Mr. Dykstra and his staff. They did do a revised report and revised the plan to divide the basins into two sections in order to accomplish what's required under the new stormwater regulations by the DEP and what the Town recently adopted. I had to comment on page 7G. I recommend any approval the Board may consider be subject to a complete review of the latest version of the plans just so we have a chance to check everything over. There was the request for a deviation of greater than two-foot depth in the infiltration basin. If the Board was in agreement to do that the only thing I would suggest and recommend is that be subject to us verifying that that's in fact a possible deviation or change from the regulations. That may or may not be permissible under the regulations. We have to double check that. Going through the water and sanitary sewer, all the items pretty much were taken care of. I understand that the front property where the commercial area is will be under one ownership. I wasn't sure what your leases were going to be but if it's only one property owner then I agree with you. You don't need the maintenance agreement. We talked about the Fire Marshal. We talked about the sanitary sewer. So, there's no issue with Jersey Central Power and Light with the existing utility running over the stormwater basin we want to

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make sure that wasn't an issue that came up later on with regards to lighting. The only question I had, I'm on page #10, and I'm just bouncing this off of the Board and don't need an answer right this second. I understand that the fixtures that they've chosen are part of the streetscape for the development that we're talking about tonight. They're not the type of fixtures for example that go up North Park Drive or around the perimeter of the Kohls or around the Dunkin' Donuts where it's more of the architectural fixture similar to what's up on Spring Street. I just want to point out to everyone that we're not emulating this. We're in a different type of fixture and I just wanted to make sure that the Board was OK with that. As far as traffic, the Traffic Engineer from Neglia Associates is going to comment shortly. But the two major concerns that I had were the same as the Board members who brought it up, at the intersection of South Park Drive opposite the ShopRite driveway and the access drive on the subject property between the commercial and the residential. I'm on page 10. My concern was how far that was going to back up. Just as the Traffic Engineer had mentioned, to make sure we don't get some blocked intersections. The second thing is while we do have a substantial queue for the stacking lane for the drive-thru for the Starbucks, if you've got vehicles on the main access drive between the commercial and residential area and you've got someone in that area going north towards South Park Dr and if they want to make a left and go into the drive through lane that may be a situation we've seen in other areas where that vehicle perhaps can't get in because the queue is so large and they might have to wait. I've seen it where they actually stopped in the lane and waited so that's something maybe they can address also. DOT has jurisdiction over the intersection itself. On page 11, landscaping has been taken care of and signage has also been addressed. With regards to page 12 in the architectural plans, I know from the rendering the two commercial buildings with the three businesses restaurants look like they had a parapet size high enough that you won't see any of the mechanicals on the roof. I'm not so sure what the view is going to be of the mechanicals on the three residential buildings. I know the response was that we won't see it from the driveways or the sidewalks on site. Not so sure maybe that could be addressed in a minute whether it will be seen if you're going up and down Route 206.

Mr. Dykstra stated: We did an investigation of the parapet on the larger buildings in the rear. The only place that we found that you could visually see any of the equipment based on the parapets that we have proposed all of the equipment is kept 10 feet from the edge of the building was from the Kohl's area as you come down North Park. So, we felt that was appropriate especially if you drive down there all you see is rooftop equipment.

Mr. Simmons stated: Going on to page 13 on the facilities impact and then the details. The one question I've got and perhaps the architect can just verify this. Is there going to be an emergency generator and backup power for the elevator?

Mr. Swartz stated: That's correct. Each one of the buildings has their own set of stairs, remote stairs that satisfies that requirement. So, the elevator does not need to be on a generator.

Mr. Simmons continued: With regards to construction details and approvals they have agreed to all of them.

Mr. Neglia reviewed his report and stated: On the Dykstra plan in the middle of everything they have the mountable island and the right turn lane to come in. That is where, from the traffic point of view, the success of the project lies. Because that's where the residential and commercial interface. That's where the Starbucks drive-thru interfaces. When you're coming in and you're getting ready to approach Starbucks drive-thru so then you are almost pre-queue here for the Starbucks drive-thru, then the mountable island reinforces that by scooping you in

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and putting you in the queue. Now if you make that same movement coming from the Weis side then you are in this lane and you have the choice to go into the parking field for restaurant 2 or 3 or you have another choice to go forward one car length into the queue. If you're coming from the residential side, you can go forward on this side through this two-way lane and into the site or you can chicane through and get into the drive-thru. Approaching from the shared parking field for the two restaurants and stopping here and going on to residential. That's my understanding of what the intended functionality of the center is, and I think this is where most of the circulation issues for the site are going to be hashed out. Ms. Dolan had said that there appears to be sufficient queue. I believe this is about 200 feet or so and this queue which is about a 20-car length if you were to have to queue on site. As I look at this, I keep thinking about this center area. If you are coming from this side from the Weis side, you have this choice to go here or to go here. I just want to confirm with the applicant that that's the intention that you have a decision point to go into the aisle that leads into the parking field and you could also go into the queue for Starbucks.

Mr. Dykstra stated: That's correct. The way I envisioned this is you'd be pulling up there and if you see there's a line for Starbucks that you couldn't get into then you pull into the parking area and if there's no queue then you could make that next turn into the drive-thru.

Mr. Neglia questioned: Can you make that maneuver if you came from the residential side into the queue?

Mr. Dykstra stated: The intent of that is exit only. If you got into the queue, that would be only to get back out of there not to get into this drive-thru. There would be do not enter signs.

Mr. Neglia stated: You could put a circle here. It embraces the decision points that you have.

Mr. Dykstra stated: We have had problems with this at prior sites where it backs up into the street.

Mr. Neglia stated: It's just an option so I leave that to you as what I've been thinking about for this the center node. I think you've done everything you can, and I just throw that out there for your consideration. Other than that, I know you have to go to DOT to figure out the Water Street 206 access as well as they're going to want to know how this interacts with their stoplight. You are going to make improvements I believe to the sidewalk. You may have to do some pedestrian upgrades here, but I leave that to the DOT.

Mr. Le Frois questioned: Would you say that the current design is unsafe or simply of concern?

Mr. Neglia stated: No. To be honest, I believe it's almost over engineered. My concept has a little bit more latitude to make decisions. Mr. Dykstra's plan is highly directed and that's the comfortability of what the Board and what the Town of Newton was looking to do. Traffic circles are more laissez-faire just by the way they are laid out. Mr. Dykstra's plan is highly directive and accomplishes what he needs to do to protect the site should the Starbucks queue be wildly successful in its initial stages which it probably will be and then it will settle down overtime. So, he's anticipated that. With respect to safety the directive design would be safer.

Mr. Ricciardo questioned: What do you think of the South Park Drive entrance and opposite the ShopRite entrance?

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Mr. Neglia stated: If you can align an intersection, align an intersection. From a traffic engineering perspective, you try and make them align. I think the redevelopment team has done that as best they can. They are aligned so you can anticipate and deal with access issues on both sides of the street. I think this is the best fit for that. There may be some ultimate tweaking to the traffic signal timing out on 206 as they go through their DOT process where the green time may be more equitably shared as the South Park and North Park Drive traffic grows up if you will and needs its fair share. Which will help with the queue because right now the DOT will limit the bandwidth, or the green time given to the side streets. I'm sure that the applicant's team can make the appeal that to make this work we may need a little more green time. Or if the queue is such that it's getting inordinately long will do a recall on the green time for specific times of the day where that needs to be dealt with. I'm sure that the talented team they have can figure it out with the DOT.

Mr. Ricciardo questioned: One other question. You see where the turning lane is on South Park Drive to make the left -hand turn at the traffic light. Can it be extended past the new driveway down to South Park Drive? Is that possible?

Mr. Neglia state: You can do that. Or you can also do a back-to-back left turn so that you get the left turns for two. Right now, the ShopRite gets the bay that's created to create the left turns into the ShopRite. If you extend that through, then you lose that ShopRite capacity that is there now. If you look on to 206 between the applicant's property and Weis that's a shared left turn lane. That might be the ultimate solution if it's palatable to the DOT. So, this might be a shared solution that allows both entities enjoyed a left turn lane.

Mrs. Le Frois stated: We are talking about a 30 plus million-dollar investment in the Town of Newton by this developer. It will create jobs and high-end units in a market where real estate demand right now is outpacing inventory. Not to mention the additional revenue to the Town that is not only greater than what's currently being received but it's greater than any that's been received in the history of this parcel of land. As we've heard tonight from Mr. Doyle, this project in addition to the others going on are going to be catalysts for each other and for further investment into the Town. Mr. Doyle mentioned ShopRite interested in expanding, the expansion of the college with the downtown you know this is kind of neat triangle space and certainly a premier property within the Town of Newton. These high-end units may attract professionals who are going to enjoy the proximity to the New York City transit, the bus line that is within walking distance of these land parcels. Not to mention as Mr. Doyle enumerated that this product is years in the making and now even though we may have some discussion about whether it's architecture or a few other features it really does meet the design based on the Redevelopment Plan that this Board and previous Councils have put forward for development.

Application opened to the public.

1st public – Ludmilla Mecaj, Madison Street. The drawings look very nice. Maybe for the future Lakeland Bus could have a more direct route to Port Authority. It may attract people from NYC to live in these units. I have some traffic concerns.

No more public stepping forward. Portion closed.

Discussion ensued over lighting style.

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Mr. Marion made a motion to approve the subdivision application together with a major site plan application and requested waivers subject to the applicant working with the Traffic Engineer, the Planner, and Board Engineer to be sure the final plans are accommodated in a way that reflects this Board's comments and concerns. Including changes to the two sidewalks coming in off of Water Street to be six feet wide. Mr. Russo seconded it.

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

Application approved.

Motion made by Mr. Marion to waive memorialization of the resolution for the purposes of the building department processing the applications. Seconded by Mr. Russo.

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

Motion carried.

CORRESPONDENCE

None

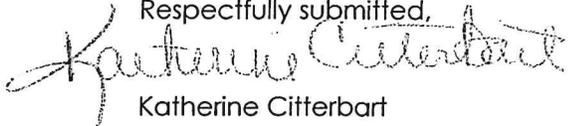
EXECUTIVE SESSION

None.

PUBLIC PORTION

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

Mr. Marion made a motion to adjourn the meeting. Motion seconded by Mrs. Hall-Romer. The meeting was adjourned at 10:03pm with a unanimous "aye" vote. The next meeting will be held on July 21, 2021.

Respectfully submitted,

Katherine Citterbart
Planning Board Secretary