

Planning Board Meeting
December 19, 2007
8:00 P.M.

The regularly scheduled meeting of the Planning Board took place on the above date. Chairman McCabe read the Open Public Meeting Act and requested Board Secretary Ms. Citterbart to call the roll. **Answering the roll were: Mr. Riccardo, Mr. LeFrois, Ms Kitheart, Ms. Unhoch, Ms. Fowler, Mr. White, Mr. VanDyk, Chairwoman McCabe. Representing the Board were Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider and David Simmons, Jr., P.E., P.P., Board Engineer. Board Secretary Citterbart stated there was a quorum.**

The first item on the agenda under, **Old Business**, Applicant: **North Park Urban Renewal Associates (MNPFSV7-2007), Property Location: Route 206 & North Park Drive, Block: 303, Lots: 26.06, 26.03, 26.02, 34 & Part of 26.** The applicant is seeking a minor subdivision in order to perfect a lot line adjustment and preliminary & final site plan approval along with variances to construct a Walgreen's Drug Store with a drive-thru and a Dunkin Donuts Shop with a drive-thru. **Representing the applicant is Mr. Jim Fox, from the firm of Morris, Downing and Shered.** Board Secretary Citterbart swore in Mr. Lukasik, Construction Manager, Dunkin Donuts. Board Secretary Citterbart swore in Gary Dean, Civil Engineer, Lehigh University, Bachelor's of Science.

Mr. Fox stated: We have made a very significant change to the rendering of the Dunkin Donuts building. I am please to inform you that we have Mr. Roy Lukasik who is the construction manager in New Jersey for Dunkin Donuts present here tonight. You may recall that my earlier witnesses understand they are still under oath. They are present and we will be able to move through rather promptly. A few things we would like to point out to you have to do with the new Dunkin Donuts building and the change on the plot to the cueing line. There was a concern about the original proposed line up and how the cars would go through. That has been adjusted. Our engineer can discuss that if necessary. You are looking at a completely different building than originally proposed. This is known as the new prototype at the corporate level. It has not yet been 100 percent put in place. This is the prototype that they are willing to propose here in Newton in lieu of the other building. Mr. Rosenthal (Architect) is present, has been previously sworn in and qualified as an expert. Mr. Fox stated that they were not being complete at the last meeting and may have one more witness and he is present.

Mr. Rosenthal stated he is marking the Revised Site Plan as A-14 and Revised Rendering including all signage information as A-15. The date on the Revised Site Plan is November 16, 2007. The footprint and layout of interior of Dunkin Donuts have remained exactly the same. The only thing that has been changed is the cueing line and the parking which the engineer will cover. The new building, the base will stay the same but colors have changed a little bit, the material as far as the roofing, to look more residential in nature.

Mr. Fox stated that the discussion at the last meeting with Mr. Stinson, the engineer, had to do with the parking. You have indicated that the new building is exactly the same footprint. Mr. Fox questioned Mr. Rosenthal: We have not come in and revised anything in terms of parking or actual location of the building? Mr. Rosenthal stated: Correct. Mr. Fox asked Mr. Rosenthal to describe the signage that they are asking permission for. Mr. Rosenthal stated: The signage package we proposed is a typical signage package for Dunkin Donuts. There is a combination of horizontal signage, vertical signage and the logo with the corporate identity, which is the coffee cup with the double D's. The pylon sign is free standing single pylon and you need to notify all patrons when they are coming down the road that there is a drive-thru on this facility. Mr. Fox questioned: How many signs are you proposing on the new building? Mr. Rosenthal stated: There are a total of 5 on the building, including the logo. Mr. Fox questioned: Have you calculated the square footage as permitted in the ordinance? Mr. Rosenthal stated: Yes, we have. The overall signage is 163 square feet and it does comply. Mr. Fox stated: This all appears in the sign area summary in the upper right hand corner of the rendering and have given a copy to the Board.

Mr. Fox asked Mr. Rosenthal to describe the materials. Mr. Rosenthal stated: Everything has not been absolute signed off on. Brick is going to be the primary component of the building. Brick walls, brick peers, the back will be a split faced block or hardy plank siding. Both are very sturdy materials for a long standing building. It is maintenance free, and the asphalt shingles go along with the neighborhood look. Mr. Fox questioned Mr. Rosenthal about the color scheme. That will be the color scheme for the building? Mr. Rosenthal stated: That is my understanding. Mr. Fox questioned: Could there be minor variations depending on availability of materials? Mr. Rosenthal stated this is the color scheme we are looking at. Chairwoman McCabe questioned: You are committed to those materials? Mr. Rosenthal stated: Yes, it will be an upscale material, upstanding maintenance free material like hardy plank, split-face block, brick. Mr. Fox asked Mr. Rosenthal to describe the free-standing pylon sign. Mr. Rosenthal stated: That is the Dunkin Donuts new corporate identity for free-standing pylon. It is vertical with the horizontal drop down. Mr. Fox questioned: Is it your understanding that the signs depicted on this rendering were not designed specifically for the new site, but on a corporate logo incorporated throughout. Mr. Rosenthal stated: Absolutely, this is corporate and what is seen throughout the country with the new prototype. Mr. Fox stated: The idea is that when you see this sign you will recognize it because it's Dunkin Donuts and want that throughout all of our sites, not only in United States but around the world. Mr. Rosenthal stated: Correct. All the colors for the signage is the color scheme from corporate. Mr. Fox questioned: Does the pylon sign conform with the size requirements for a free-standing pylon sign? Mr. Rosenthal stated: The main panel complies. We are actually under. When you bring drive-thru within, we are 1 square foot over. Mr. Fox stated: We are asking for a variance based on that one square footage because 40 feet a square foot is permitted. Mr. Rosenthal stated that is correct. Chairwoman McCabe questioned: Can you point out where the sign is on the site plan? Mr. Soloway stated that it is the combination of the identification sign and the drive-thru. Mr. Rosenthal stated the main face and the drive-thru is here (pointed to site plan) and total 41 square feet. Mr. Fox stated that if we didn't need the drive-thru we wouldn't

need the variance. Ms. Unhoch questioned: That's addition to the building signage? Mr. Fox stated: Yes, that is a free-standing pylon sign. Chairwoman McCabe questioned: Is this the same site plan or has things changed? Mr. Rosenthal stated: This is **Exhibit A-16** dated 12/19/07. Mr. Riccardo stated: At the last meeting we discussed the possibility of combining the Walgreen's and the Dunkin Donuts sign on one pylon. Mr. Fox stated that they can discuss that. The pylon sign will be on Route 206 side of the property. Mr. Soloway stated: The pylon sign is located on **Exhibit A-16**. Mr. Riccardo suggested there be only one pylon sign on the corner to indicate a Walgreen's and Dunkin Donuts. Mr. Fox stated: They showed the signs for the Walgreen's at the last meeting and stated that they would not want to change the configuration of that sign. That would require a variance because it would be larger than one pylon sign already is, for size not for light. We will talk about that.

Mr. Stinson stated: When we refer back to our exhibit the original design which showed the U-turn, the drive-thru was closer to the building, the trash in the loading zone is further away from the building. The revised design which is shown on Exhibit A-16 moves the loading zone closer to the Dunkin Donuts, the trash adjacent to the loading, service entrance in the back, which allowed more cueing to make the U-turn and thereby additional cueing cars. Mr. Fox questioned: How many cars would that accommodate at any given time? Mr. Riccardo questioned: Where is the loading zone? Mr. Stinson stated: The loading is adjacent to the building. Mr. Riccardo questioned: Where is the truck that delivers supplies park? Mr. Stinson stated: He parks in the striped areas in the loading zone. It will be at the wee hours of the morning. Mr. Riccardo questioned: That is never a tractor trailer and how many times a week do they get deliveries? Mr. Turso stated: If it's a restriction, no tractor trailer will deliver to the site. They have a right to pay for a small truck delivery. Mr. Fox questioned: They would need 2 smaller trucks instead of one tractor trailer? Mr. Turso stated: Most likely, depending on the volume the store does. Mr. Fox questioned: When are the deliveries made, what hour of the day? Mr. Turso stated: All hours of the day. Mr. Soloway questioned Mr. Fox: If the Board requests or set the restriction that there will be no deliveries by tractor trailer. Mr. Fox stated: I think the area will not accommodate a tractor trailer, they wouldn't send one to this site. Mr. Riccardo stated that the franchisee has the ability to pay for the smaller truck, but if the franchisee does not want to pay for the small truck will Dunkin Donuts make that restriction part of his franchise agreement. Discussion ensued.

Ms. Fowler questioned: How many cars can be cued in the drive-thru? Mr. Dean stated: For Dunkin Donuts it is 10, for Walgreen's it's 3.

Chairwoman McCabe questioned: That is indicated on the delivery truck circulation plan the size of the trucks? (See C-26 of the plan) How deep is the loading zone? Mr. Stinson stated: The loading zone provided is 10x38 Feet for Dunkin Donuts and 20x60 feet for Walgreen's.

Mr. Riccardo stated: At the last meeting we talked about the trucks exiting at the rear entrance for the Walgreen's and Dunkin Donuts. Are they capable of making that turn to go out that rear entrance? The traffic pattern shown on the plan has the tractor trailer to

the Walgreen's going out the front entrance and we suggested all trucks leave the rear entrance even if they are making a southward turn on 206, which is a right coming out of that road. Mr. Stinson stated: Our drawing C 2.6 shows the tractor trailer which would come in North Park back into the back of the Walgreen's then continue around pass Wachovia and go out to 206 that way. That's the only way a tractor trailer would go.

Mr. Riccardo stated: At the last meeting the Board requested all trucks leave the rear entrance. We wanted all traffic to go out and hit the traffic light on the corner. Mr. Fox stated that they would all have to come in off Route 206 to service the Walgreen's properly. Mr. Riccardo stated they would have to change the configuration of the loading dock. Mr. Fox stated they would have to change the way the vehicle enters the loading dock. Instead of coming off North Park, they would have to come off Route 206 then out to North Park, but he trailer can't make the turn. He suggested that they can't come in off North Park and back out on North Park with the tractor trailer. The Dunkin Donuts trucks can. Mr. Riccardo stated his concern about how the trucks exit.

Chairwoman McCabe questioned: There's no limitation to the time the Dunkin Donuts is getting their deliveries by the small box truck, it can come any hour day or night? Mr. Stinson stated that was the testimony. Chairwoman McCabe stated she was concerned that the box truck backing out into the drive-thru lane. If they come in the morning and make the delivery and the cars are in the cue, this is going to be a problem for your delivery guy. Mr. Riccardo stated: Also a problem for the garbage truck. Mr. LeFrois questioned: Is it common for the delivery truck to use the drive-thru lane to access the unloading? Mr. Tourso stated no. Ms. Unhoch questioned: How long does the delivery truck stay when they are delivering? Mr. Tourso stated: They make a delivery once a week or can be 15 minutes to a half hour. It comes on pallets, taken off with pallet jacks and brought over to the door. Mr. Riccardo questioned: Once a week or twice a week? Mr. Tourso stated: A smaller truck will be more often. This is what we call our DCP delivery the goods. If the store is doing the volume, it will probably be two trucks. Twice a week. Mr. Riccardo questioned: If the volume increases, then it could be three trucks a week? Mr. Tourso stated: I don't know of any store that gets three deliveries. Mr. Riccardo stated his concern for the trucks fitting in the loading zone and how they exit the loading zone. Mr. Riccardo also stated he was concerned with the handicap parking spot being at the entrance to the driveway to the pick-up window. Mr. Stinson stated it would be no problem to move it to the other end.

Chairwoman McCabe questioned: On C-2.6 the parking is on the right side of the building and have 2-way arrows, will traffic be going in both directions? Mr. Stinson stated that the 2-way arrows is for people in the parking area can go either direction. Chairwoman McCabe questioned: Is there going to be something that keeps the cars that are coming into the drive-thru to the right side, how are you going to control the flow of traffic so those cars stay to the far right which allows the people who park there enough room to get in and out? Mr. Fox stated: We will have our traffic expert testify.

Mr. Gary Dean, Civil Engineer, Lehigh University, Bachelor's of Science. He appeared before the Board on behalf of Wachovia 6 months ago and was qualified as an

expert in trafficking and engineering at the that time. Professional Licensed Engineer in New Jersey and have represented Walgreen's and 100 different applications in the Northeast.

The Board accepted Mr. Dean as an expert.

Mr. Fox asked Mr. Dean if he would address the concerns about traffic. Mr. Dean stated there are two issues:

1. Truck circulation for the Walgreen's and the desire to have the truck exit and enter from North Park Drive. The challenge with exiting off North Park Drive, see Exhibit 2.6, the truck requires substantial distance of 100 to 110 feet to make that radius. The convenience having the truck do that as a left turn is that he stays on the outside and uses the maximum width of the driveway as well as North Park Drive. If that truck is forced to make a right hand turn, he's going to swing into Westbound traffic on North Park Drive. That's a more dangerous configuration.
2. Location of Handicap stall for Dunkin Donuts. That is required under the American with Disabilities in the New Jersey Barrier Free Code. It is the least used parking space particularly where there is a drive-thru because most people who are disabled can be accommodated in the drive-thru. If we put a regular space there, it will more of a conflict with people backing up

Mr. Fox stated that Chairwomen McCabe questioned about someone coming in from the right and going to the drive-thru at the Dunkin Donuts. Mr. Fox questioned: How would that be controlled? Chairwoman McCabe questioned: How are you going to control traffic to stay far right since it's two-way traffic there and you will have cars backing out of those spaces. Mr. Dean stated: Those are the rules of the road to stay right. If the Board feels it necessary, but what happens is (pointing to Exhibit A-16) as we reach the northwest corner of the Dunkin Donuts building both lanes will be one way only. It's two-way from the handicap space throughout the balance of the lot. A driver who is circulating in that aisle stays to the right. There are flow arrows that are depicted around telling them to keep to the right up until the handicap space, beyond that point it's one way and either someone uses the drive-thru lane or the by-pass lane. We can throw down some yellow striping. Chairwoman McCabe stated: The only arrows indicated are near the entrance and right behind the parking spaces. Maybe additional arrows as a visual for drivers. Mr. Dean stated: They could augment another pair of arrows or radius of double yellow line around the corner.

Mr. Riccardo stated he was concerned about the island at the main entrance. Mr. Stinson stated that they did not provide specific detail on the island but they can. Mr. Riccardo stated he was concerned with the height. Mr. Stinson stated it was 6 inches, depressed curb in front and mountable, which means if a car goes around it will ride up on it. Mr. Riccardo stated: It also means that if a car wants to make a left hand turn they can go over the corner of it too. Mr. Dean stated: Falling short of putting a barrier down Route 206, there's no way of preventing left turns. It is signed, put in an

island and the police will have the ability to enforce Title 39. Mr. Riccardo stated: If you make it a 2 foot high concrete island they won't make the left turn without going through the island. Mr. Dean stated: They won't do that and DOT won't accept it. That is for fire access. Those vehicles need to have immediate and unobstructed access. There is a sign that is proposed but if it's knocked down or something hits it. That becomes a fixed object and there is liability.

Mr. Riccardo questioned: Didn't the Fire Marshall and Fire Inspector say the entrance should be widened for access? Chairwoman McCabe stated: Yes. Are you in receipt of the letter from Joe Inga? Mr. Stinson stated: Yes, I have a copy of the letter from Joe Inga from November 20, 2007. He made several comments as to the circulation. It says: "I recommend removing the center island entrance or widening the entrances a whole turning radius template can be obtained through Pellow's office. Please ask him to review the circulation of the fire truck. We can receive the turning template and fire equipment and show it on the plan to demonstrate that it meets the requirements for the fire department." The part of the whole design of that entrance off Route 206 is in the jurisdiction of the NJDOT. Chairwoman McCabe questioned: So you agreed to the criteria mentioned in Mr. Inga's letter? Mr. Riccardo stated: Mr. Inga's letter stated that they can either eliminate the island or widen the entrance. We are pretty set on not making left hand turns coming out of there. That would leave them only with the option to widen the entrance. Chairwoman McCabe questioned: What is the width of those ingress and egress lanes? Mr. Stinson stated: 12-1/2 feet on the inside - both lanes, 84.5 is the width of the curb across the front. When you have wider than one car that can fit into, chances are people are going to pull around them and make other movements out of control. Chairwoman McCabe stated: Mr. Inga does not indicate how much wider he would like those entrances to be. Are you aware of what minimums he would prefer? Mr. Simmons stated: what we have to do is get the applicant's consultant, the template for the auto turn for the Town's fire truck so that they can superimpose that on the island because I think the applicant is faced with two issues: 1. trying to make sure that in the event of an emergency a fire truck could go the wrong way in the entrance for purposes of get their for health, safety and welfare. I know they are bound by certain dimensional restrictions would be obtained. If the applicant had that template they could show what the minimum requirement is to get the Town's fire truck to see if it fits within those DOT criteria. Chairwoman McCabe stated: If in the event they have to widen it and loss a parking space is that an issue on this site? Mr. Simmons stated: (Exhibit A-16) As you are looking at the common entrance to Walgreen's and Dunkin Donuts the first parking space to the left and the first parking space to the right are very tight. If you were to go into the site you would have to make a 180 degree hairpin to get into one of those spaces. The other concern is the first parking space on the left of the common entrance. If a large vehicle was going out and happen to cut the corner a little and a car was pulled in there, it might get clipped. The curb lines between the 90 degree corner and the parking lot and the curbline for the egress on the Southwesterly side they are going to be very close. It increases the variance requirements but it may be appropriate for those two spaces to be eliminated.

Mr. Fox stated: We wouldn't have a problem moving those 2 parking spaces. That would widen the entrance way. You can see that the number of constraints that we are working under in terms of complying with all these various requirements.

Chairwoman McCabe stated: Initially we discussed the exit on to North Park Drive. Mr. Riccardo didn't feel this was the best location for an exit. We discussed the possibility of you incorporating your exit with the Home Depot exit. Your testimony at the last meeting is that the topography was no conclusive to joining the two. The topography at the back of this lot and the Home Depot exit is exactly the same topography. I think it would be a much safer ingress and egress location if you could share the Home Depot entrance and eliminate the one on North Park Drive.

Mr. Dean stated: The only concern I have about sharing Home Depot, aside from the grading, (pointing to Exhibit A-16) is that it almost becomes impossible to line that up in any meaningful way with the Home Depot driveway because all it's going to take is one car to be waiting at Home Depot and then vehicles can't make a left to come into this site from North Park Drive. In other words, a grid-lock situation between the Home Depot vehicles leaving at a stop sign and the cars turning left to come into Walgreen's either behind them or in front of them. Otherwise, we are providing some kind of connector much deeper into the site. Chairwoman McCabe stated: That's where the topography is level. It's got to be more than 50 feet. Mr. Riccardo stated: You were the traffic expert for Wachovia and that presentation was to go straight through and out the existing exit. That's the way Wachovia was approved. Mr. Riccardo stated his concern for exiting out and going through a parking area where there is the loading dock and cars backing up into the exit. Discussion ensued.

Chairwoman McCabe questioned: Mr. LeFrois do you have any input regarding what we are talking about? Mr. LeFrois stated he agreed with making the driveway further West away from Route 206. If you take all 4 stores (Pizza Hut, Walgreen's, Dunkin Donuts, Wachovia) and also look at Kohl's being up on North Park that's more than double the traffic we've seen. There's probably double the amount of traffic everywhere through here. It will be exacerbating, but that's not necessarily their issue to deal with. I'm not sure how we look at the bigger picture with all these new facilities. The intersection of North Park and Route 206 will be disastrous and he hopes DOT will offer some assistance and assume the blight assuming that it's their responsibility to deal with. Mr. LeFrois is not sure about combining Home Depot but is concerned about a left turn in an existing left turn lane. Chairwoman McCabe questioned: If they leave the configuration the way it is, and considering the extra amount of traffic that will be sitting at the light. I'm also concerned about cars lining up and blocking this exit.

Mr. Fox questioned Mr. Dean: Mr. Dean you spent some time studying this plan and do you have a professional opinion as to whether the proposed accesses are the best accesses for this proposed site? Mr. Dean stated: I had certain reservations about the left turning restrictions only because these sites operate at times other than

peak hours. The Chairwoman just pointed out by restricting the left then forces the traffic up North Park. Wachovia also deferred the Boards wishes and we now have no left turns at both driveways. The consequences is that there is more traffic on North Park Drive. The opportunity to relocate the driveway as far West as possible I think is the right approach. The applicant has followed through with that. In theory to push it even further West we would be on top of the Home Depot driveway. That could have consequences in terms of operating safely. Chairwoman McCabe questioned: What is the applicant's objection to connecting to the Home Depot? Mr. Dean stated: They don't own the property. Not out of control of this applicant. Chairwoman McCabe stated: It is under Mr. Martin's control. Mr. Dean stated: I don't know that to be the case. I will take your representation and maybe subject to different leasing requirements, restrictions by Home Depot. I can't speculate, I can only offer an opinion based on the application you have before you. Mr. Riccardo questioned: Is Mr. Martin present? Mr. Dean stated: Yes. Chairwoman McCabe stated that was the configuration we worked out with Kohl's. We are trying to make it as simple and safe as possible. Discussion ensued.

Mr. Fox stated: We need to remind everyone that it's our opinion that what we are proposing is going to vastly improve what is currently there. If the proposal is not approved, what's currently there is going to remain what's currently there. Chairwoman McCabe stated they are not opposed to that. Mr. Riccardo stated: I want to commend the change in design. They have done a lot to achieve what we were looking for.

Mr. Fox stated: Mr. Rosenthal will explain the pattern for the delivery truck.

Mr. Rosenthal stated: Walgreen's has a tractor trailer come on initial fixturing and on a seasonal change over. Other than that, it's a box truck and only once a month. Mr. Riccardo questioned: Walgreen's is a pharmacy and that they sell pharmaceuticals, toys, etc. They can maintain that stock with a once a week delivery? Mr. Rosenthal stated: That's my understanding. Mr. Riccardo questioned: Is there anyone here from Walgreen's that can testify to that?

Chairwoman McCabe stated: Mr. Riccardo you were talking about entering the Walgreen's site from Route 206 and exiting on North Park Drive. I understand your concern about the tractor trailer exiting onto North Park and making that wide turn. I believe it was also a restriction on that egress point South of Pizza Hut that that was a right turn only as well. Some of these tractor trailers would not be able to turn left onto Route 206 at that point. Mr. Riccardo stated: Correct. They would have to go all the way down to the square, turn around, and go all the way back to Route 206 if they were headed North on Route 206 which would only increase the traffic at the square. Discussion ensued.

Mr. Riccardo questioned: The combination entrance to the Pizza Hut and Wachovia will that be wide enough for this tractor trailer to make that right hand turn without swinging into the far left hand part of that driveway? There is no radius

showing that truck leaving the site. Mr. Dean stated: I can't speak to Mr. Stinson's exhibit, but my expectation is that there is a fairly wide shoulder on Route 206 and with the ability to use that shoulder to their advantage. Both applications have been Deaned complete by NJDOT. They are being reviewed and our recurrent date on this is within the next 45 days. They are both under review and they have the work for emergency access. Chairwoman McCabe questioned: Mr. LeFrois do you have any other issues with the site when it comes to speculation. Mr. LeFrois agreed that it would be very difficult to get the trucks back out to North Park Drive. Mr. Dean stated that Walgreen's is going to get 1 tractor trailer month for regular merchandise. They also get deliveries by DHL, FedEx and UPS for the controlled substances. Then small deliveries in box trucks. Mr. Riccardo stated: The box truck can exit on North Park Drive and the tractor trailers will have to exit on Route 206. Mr. Dean stated: The only way a box truck to get up North Park is for him to come in on Route 206, pull as he is exiting on North Park and then back into the loading area. Chairwoman McCabe stated he can enter on the Southern entry and come in that way. Mr. Soloway questioned: You are getting one tractor trailer a month? Mr. Fox stated: You may recall at the last meeting Mr. Rosenthal testified that there is a tractor trailer on the initial set up for merchandising, any major seasonal change and once per month. Any other time it is a Walgreen's Truck that carries the merchandise. You don't have regular deliveries from Frito Lay or a milk delivery, you have Walgreen's trucks that come in and the majority of deliveries are small box trucks. Chairwoman McCabe questioned: What time of day is that? Mr. Rosenthal stated: During the night. Mr. Soloway questioned: How many box trucks? Mr. Rosenthal stated: I can't tell exactly, but I believe it's once per week.

Mrs. Millikin stated: To address Mr. LeFrois' question regarding the left turning signal down on the intersection of North Park Drive and Route 206. We did send a letter to the State of New Jersey. We did get a response and Mr. Simmons did speak with someone from the DOT and one of the questions we raised is there was a way that the left turn signal would be required by the 4 various applicants in this area. DOT said they cannot require the applicants to do that signal improvement. The Town would have to file a complete intersection access permit to get the signal upgraded and DOT does not have the funds at this point to do that. It is something the Town is going to have to pursue to work with DOT.

Mr. Simmons stated: In the report from December 13, 2007 some of the items have been covered, some are technical in nature the applicant will probably agree to do. I will highlight the major items. On Page 2, the shared driveway easement is staying in there because with Wachovia, Pizza Hut, Walgreen's and Dunkin Donuts there has to be a defined new easement for that shared driveway. On Page 3, Item 3, Subdivision, the applicant didn't submit a new subdivision plan because they are proposing a relatively minor lot line adjustment. I wanted to keep that in there because there are cross easements, site triangle easements and recommend that a formal site plan drawing on a separate sheet and be prepared to outline all these easements. The applicant indicated they could do that. Mr. Soloway questioned: Mr. Fox are you agreeable to complying with all the recommendations in Item 3, Page 3

that is satisfactory? Mr. Fox stated: Yes, we have no objections. Item 4, with regard to variances. With regards to minimum front yard set back based on the configuration that the applicant is proposed 80 feet is required in the C-3 Zone. The Dunkin Donuts has a minimum front yard set back of 46.7 feet from North Park Drive and 52.9 feet from Route 206, because it is a corner lot. That's the one bulk variance needed. Page 4, by the Town's standard 4 loading zones are required, they are providing 2. Parking – Town standard 163 spaces are required, the applicant is proposing 91. If those 2 spaces are removed, it would drop to 89. Mr. Fox responded: We had testimony on those 2 issues and the representatives indicated we didn't need the 4 loading zones and we didn't need all the required parking to serve these operations. Chairwoman McCabe questioned: What are the size of the parking spaces and do they need a variance? Mr. Stinson stated: They are 9x20. Mr. Simmons stated the Town's definition of parking spaces is 180 square feet. Mr. Simmons went on to read his report. Under Circulation, we talked about that. Mr. Simmons added a few more items: Exhibit A-16, the other issue with Northerly side of North Park Drive there's the access to the Air Filters building. Right now that is being used for a warehouse. If that changes in the future and has more traffic going in and out, we've got that in the mix of that overall intersection. If that was changed would it change the access point on North Park Drive to bring it more into line with the other driveways, either the Home Depot driveway or the proposed driveway that's being shown on Exhibit A-16. Chairwoman McCabe stated: That entrance is slightly East of that proposed exit on North Park Drive. Mr. Simmons stated: We have an offset situation. I understand the applicant problems with trying to set this up. I don't believe they are trying to make it difficult. It's a tough situation because you are close to the Route 206/North Park Drive intersection and other driveways that are already there.

Under Item E, Traffic comments: We repeated the information in Mr. Dean's report. They agreed with the net increase in traffic that he is talking about. No issue with that. There was a concern with Item IV, the level of service, in the Evening Saturday peak hour levels, A=Evening and P= Saturday. The left hand turns there is more back up than that. Goes back to the leading Left turn arrow, regardless of studies we need a left turn arrow at that intersection.

Mr. Fox commented: We are back to the point where the State of New Jersey made it clear that that issue is not before the Planning Board in the context of this application. Mr. Simmons may be talking to the Town of Newton with respect to a mackerel problem, it would not be appropriate for the Board to try to make the applicant or other property owners to place that left turn signal. The State has made that very clear. Mr. Riccardo stated: I agree with you, but it's something the Board has to consider when we approve a development of this type. We have to consider the stacking, the traffic flow, and all of that. We can't make any application put a left hand turn signal in, according to the State, but the amount of traffic and that amount of volume has to be considered by this Board when we approve an application. Chairwoman McCabe stated: If this application seriously affects that traffic flow, then it might be too much for this area.

Mr. Simmons went on with his report: IV. North Park Drive from Route 206 at the lower entrance to Home Depot, the striping and how that's going to be handled still needs more work on that part of the plan. Page 6, Item F – Pizza Hut parking lot modifications. Exhibit A-16 on the Southwesterly of the proposed Walgreen's there is a retaining wall along the common property line to facilitate the grading for the Walgreen's. As a result, they are proposing some new islands and re-striping in the opposite direction of parking in the rear of the Pizza Hut so it comes out to the access drive and reconfigure the parking lot. Mr. Stinson described: The circulation of the Wachovia driveway the traffic is directed up to the island between the parking so it's good circulation anywhere for this area. The trash enclosure is relocated so it would be in the perfect position for trash truck to pick up. Mr. Riccardo questioned if the number of parking spaces was changed for that site. Mr. Stinson stated: I believe we did increase the parking. It's not very well marked back there now. Mr. Riccardo questioned: So we have more cars capable of parking back there increasing the volume of traffic in the area? Mr. Stinson stated: The sidewalk that will create a connection between Pizza Hut and a sidewalk to the Walgreen's. Because of the grade differential it was difficult to get a connection between the two sites that connect with the sidewalk on Route 206 and a need for a wall. Mr. Riccardo questioned: Did we talk about a sidewalk going from the front of Dunkin Donuts going up the side to the Home Depot entrance? Mr. Stinson stated: The sidewalk comes around here (pointing to the site) and goes all the way up. There's also a connection from here (pointing to the site) that is nicely landscape for the pedestrians to come along the front of the Walgreen's.

Mr. Soloway questioned: Is the applicant agreeable to the site triangle easement recommendation 4g on Page 6 in Mr. Simmons' report? Mr. Fox stated: Yes, and the items that Mr. Simmons has indicated needs some further work we will agree to work them out. Mr. Stinson stated: Our survey department has been working on the subdivision plan which will identify all the easements for the site triangles, water lines, sewer, cross easements for access which is just about finished.

Mr. Simmons moves on to his report: Storm Drainage Calculations – All impervious coverage, the applicant is changing it. They are collecting the water and the water goes to the North to an existing basin on the North side of North Park Drive behind Quick Check and PNC Bank. This applicant has added a water treatment device for water quality for their drainage system before it goes on under North Park Drive. 1.) We needed some capacity calculations to verify some inlet pipe sizes. They are for the West side of the common property line and the proposed Walgreen's there is an existing grate just for more spot grates to make sure the area of Pizza Hut driveway parking lot is re-graded, drains property and doesn't spill over that retaining wall so we don't have any icing problems because we are changing the draining pattern in that area. In addition, the access drive at North Park Drive has an 11% grade to it. When they moved the access drive to North Park Drive they are bringing about where the low point in North Park Drive is and we are going to have some

grading problems there as far as icing. That has to be addressed. There are general requirements with the DEP Stormwater Best Management Ordinances.

Page 7, Item 6 under Utilities – The water shown on the Westerly property line adjacent to the Home Depot site show the 8” water main to be constructed by the Wachovia bank. I know Mr. Inga had a letter issued regarding additional water mains and hydrants. I don’t think the applicant has had a chance to meet with Mr. Inga to address those items. That still has to be addressed.

Sanitary Sewer – They have shown the profiles and Bill Grinnelli and I both walked on the site to look and see that it is feasible to put a U around the back of the Wachovia building. To relocate the Sanitary Sewer, my suggestion is that they have an easement ladder doing a subdivision map showing a 10 ft wide normally under our SIS, this is not residential, from a practical standpoint I recommend a 20 ft. wide easement. Page 8, Sanitary Sewer – Pizza Hut, double check where lateral comes out and check utilities for relocation. Pizza Hut may require additional underground utility work. #7 – Landscaping – The applicant did shift some trees on the latest plan to eliminate site distance problems. Check in field before approving application for site distance. #8a – Grading – The applicant has shown both walls are reinforced concrete retaining walls between the Pizza Hut and the Walgreen’s and along North Park Drive. Mr. Stinson stated: North Park Drive is concrete and a segmental/keystone on the other side. They will fix the details and make sure they accurately depict the type of wall that is shown. Mr. Simmons stated: As you are going through the drive-thru at Walgreen’s on your right hand side it would be a keystone type wall, the wall that’s on North Park Drive you see reinforced concrete. Mr. Riccardo questioned: How high is it and is it exposed to the vision, does it raise the site? Mr. Simmons stated: The exposed face of that wall will be seen from cars on North Park Drive. Mr. Riccardo questioned: Why is that concrete and not landscape block? On top of it is that a guardrail? Mr. Stinson stated: We can do landscape block there. We have to have a guardrail on the side for North Park. Mr. Riccardo questioned what material the guardrail was going to be, can it be cortense steal? Mr. Stinson stated: Yes.

Mr. Simmons stated: Item 8c, he is concerned with the wall along the Dunkin Donuts Northeasterly side by North Park Drive. Showed a guiderail attachment on top of the concrete wall. Concerned about the height with people in the area, recommending fence around it. Mr. Stinson stated: We can install a guiderail and a fence. Mr. Simmons went on to state that the fence along the wall on the common property line between Pizza Hut and Walgreen’s is a black vinyl chain link fence. Mr. Simmons questioned if that was an acceptable fence. Mr. Riccardo questioned the height and if it has black vinyl slats. Mr. Stinson stated: 4 ft high fence and we can add privacy slats if you would like. Chairwoman McCabe stated that privacy was not required in that location and wouldn’t be visually very nice. Mr. Simmons questioned about a fence along the Northerly side of the Dunkin Donuts access drive of a black vinyl would be okay? Chairwoman McCabe stated: That’s fine.

Signage - Mr. Simmons referred to Page 9 and had some discrepancies in his assumption that the architectural plans that Mr. Rosenthal described with the free standing sign for the Dunkin Donuts sign of 41 square feet including the drive-thru and the 5 wall signs in the site plan have to be updated. Chairwoman McCabe stated she wanted clarity on where signs were going to be and what are going to be on the signs. Are you going to advertise the Walgreen's and the Dunkin Donuts on one pylon sign? Mr. Fox stated that they need to confer to see if it's physically possible. Chairwoman McCabe stated that hasn't been decided yet. Mr. Simmons went on to state that the applicant has proposed wall mounted signs in the square footage and number that are allowed. The one question is how far do the letters stick out on the signs? Chairwoman McCabe stated we had to give Kohl's a variance for their building sign. Mr. Soloway stated that if the Board wants to grant a variance they need to define the size of the sign. Mr. Riccardo questioned: When they changed the new prototype of the building did they change the prototypical? Mr. Rosenthal stated: The sign is a cloud sign, instead of being individual letters it is a box sign that is molded. Ms. Unhoch questioned all the D's on the doorhandles. Mr. Rosenthal stated that is just a handle, it's not a sign. Chairwoman McCabe stated it is your logo. Is it included in your square footage for signage? Mr. Soloway stated the Board wanted to know if it was a backhanded way of getting another sign in. Mr. Riccardo stated that it was not offensive, but just considered a sign. Mr. Rosenthal stated: According to Dunkin Donuts it's not considered part of their signage package. It is considered part of the door package. Mr. Riccardo questioned Mr. Soloway if it is a sign and to look up the ordinance. Mr. Soloway stated the ordinance and questioned the Board if the door handle is a demonstration of display or insignia which is used to promote the interest of Dunkin Donuts. Chairwoman McCabe stated: Of course it is and we just want to make sure it is included in your square footage of signage if it is the insignia of Dunkin Donuts. Mr. Fox stated: We will revise the signage plan to include that. Mr. Rosenthal stated: The face mounted signs from the face of the building to the face of panel is 8 inches. Mr. Fox stated: We will agree to go back and measure and make sure. We know it's more than the ordinance requires. We are asking the Board to consider if there is a correction that is necessary we will immediately report to the engineer.

Walgreen's Signage – Chairwoman McCabe questioned: These have not changed from the plans given to the Board. Mr. Rosenthal stated: These have not changed. Exhibit A-7 from 8/17/07. The signage is a typical Walgreen's package. The pharmacy as in the State of New Jersey every pharmacy must be notified that it is a pharmacy and noting that there is a photo lab. There is also the Tower Graphics which is behind the glass in the main tower set back 2 to 3 feet. It is not a flashing sign. The other sign is on the drive-thru façade. Chairwoman McCabe questioned what the square footage of the signage. Mr. Rosenthal stated: Overall signage including the tower signage is 261.9 square feet. That includes the box signs on the drive-thru, clearance sign on the drive-thru and the channel signs. Mr. Simmons read the variance on Page 9. 1.) One free standing 90 foot sign with a 40 square foot leader board where a total of 130 square feet is proposed. The proposed site is 25 feet with a set back of 9 feet. That is the sign proposed on the intersection of North Park

Drive and Route 206. The maximum size permitted is 40 square feet, they have 130 so a variance will be required. 2.) 7 wall mounted signs are proposed with 245 square feet which is less than 20% of the building face or maximum of 5 wall mounted signs is permitted. Variance is required for the number of wall mounted signs. The wall mounted signs in the tower of the Walgreen's is noted to be a neon sign which appears to be located behind the window. This has not been included in the total sign area for the total number of sign. The applicant can confirm that the sign does not flash. The Board should decide how they want to treat this sign. If the Board were to find that way, make an 8th sign and add additional footage to the already 245 square feet. Chairwoman McCabe questioned Ms. Millikin regarding the ordinance: What does the ordinance say about the location of the signage, does it specifically say attach to the façade? Mrs. Millikin stated: Wall mounted would be on the façade. Discussion ensued.

Chairwoman McCabe stated that the applicant can go over the entire Walgreen's and Dunkin Donuts sites and indicate where the free standing signs are proposed to be. Mr. Stinson stated: The Dunkin Donuts has one sign at the entrance off Route 206. Mr. LeFrois stated he was concerned with the signs roughly 40 square feet, and Walgreen's is 3x that. All the free-standing signs are going to be the same size except the giant Walgreen's. Is the 130 square feet the standard free-standing sign for Walgreen's or is there not a standard size? Mr. Rosenthal stated: The typical is 25 feet high and 90 square feet for the main lollipop sign for the main board and then you have the reader board below. Mr. Riccardo questioned: Have they put up smaller signs in any other location because the typical pylon sign was not approved? Mr. Rosenthal stated: It would be possible to get something else. The smaller sign is a 60 foot for the main panel and 23 feet high then the reader board which is portioned a little bit smaller.

Chairwoman McCabe stated: The sign is too big. Mr. Rosenthal stated he will go back to Walgreen's and propose the smaller 60 foot. Chairwoman McCabe questioned what kind of reader board it would be and does the words move? Mr. Rosenthal stated it would be a LED reader board and it changes. Mr. LeFrois questioned the color, is it red? Mr. Rosenthal stated he will have to verify the color. Chairwoman McCabe stated she had no objection to the Walgreen's sign being the same size as the other signs plus the leader board. Mr. Rosenthal stated the signs go from the 90 square foot face panel to a 60 square foot face panel. Mr. Riccardo suggested all the signs on the road should be the same size 40 square feet. Mr. Soloway questioned the dimensions of the other road signs on Route 206, are they conforming? Mr. Simmons stated the Wachovia proposed one 35 square foot free standing sign. Mr. Rosenthal stated that the building is 3 times the size of Wachovia and the other buildings around. Mr. Riccardo stated that it has enough signage on it and people are going to know it's Walgreen's.

Mr. Simmons moves on to Page 10, Architectuals -- He talked about everything at the earlier hearing. The applicant gave a floor plan to talked about the tower window signage, the dome lights. Mr. Rosenthal refreshed the Board on the HVAC on the

Walgreen's. Mr. Rosenthal stated: It is a parapet that surrounds the building. On Exhibit A-7 the line of the actual roof below and the parapet sticks up 2-1/2 to 3 feet all around the building. Mr. Riccardo questioned: Is that one big roof or a number of small units? Mr. Rosenthal stated: They are 6 rooftop units. They are all further back than 10 feet from the face of the building.

Mr. Riccardo questioned how the Dunkin Donuts heated and cooled and where is it located on that building? Mr. Dean stated it might be a split system. Mr. Riccardo questioned: If it's on the roof, would you agree to screen it? It would have to go on the back flat roof? Mr. Dean stated that if it was on the back it will be screened. Mr. Riccardo questioned: Otherwise you are going to go with a split system with pad unit? Mr. Dean stated HVAC has not been determined yet. Mr. Riccardo questioned: If it is a rooftop unit then it will be screened? If it's a ground mount split system then the ground mounted equipment will also be screened/fenced in? Mr. Rosenthal stated they would make sure it would be board on board fencing.

Mr. Simmons stated: On the Dunkin Donuts building, Exhibit A-15, the lower view is the view you would see if you were going North on Route 206 looking at the building and the view on the upper part is what you would see as you are going South on Route 206 looking at the building. The rear view was not submitted. He wasn't sure the freezer box was incorporated in the building or what kind of architectural treatment was provided for it so it didn't look so institutional in the back. Mr. Dean stated it could be power coated with paint. Mr. Riccardo questioned: Was it on the exterior of the building and if it was included in overall square footage when you calculated your parking requirements? Mr. Dean stated: This particular one it is on the outside and he did not make the calculations. Mr. Riccardo questioned: Can it be incorporated within the building? Mr. Dean stated: It could if you make the building bigger. Mr. Riccardo stated it would take up the same amount of space. In his opinion he would like to see it inside the building. Mr. Dean stated: That's up to the franchisee. It adds a substantial amount of money and triples the cost of the lot. Mr. Riccardo stated that it can be incorporated within the building if it is part of the approval. Mr. Rosenthal stated that it will increase the footprint of the building. Mr. Rosenthal stated: It's not going to take up any more ground area than it took with freezers on the back of the building. Mr. Soloway stated: The Board would stipulate that any increase in the size of the building caused by that wouldn't count towards the parking. Chairwoman McCabe stated: I think the Board can stipulate that. Chairwoman McCabe stated she would be happy seeing landscaping back there. The Board agreed with landscaping, painting and screened. Mr. Stinson stated they could add landscaping.

Mr. Fox pointed out that the proposed store hours are 24 hours. Mr. Fox stated they have a problem with putting both signs on one pylon sign because it raises the pylon very high. Chairwoman McCabe stated it's not practical to put the Dunkin Donuts sign on it. Mr. Fox stated the Walgreen's sign the smallest one available is 60 square feet plus the reader board underneath that and it would be approximately 1/3 larger than the other two signs in the immediate vicinity. That's what they have in

their inventory. They are willing to go down in size to accommodate that. Chairwoman McCabe questioned: When you say 60 square feet what are the dimensions? Mr. Rosenthal stated: It's 59.9 square feet. It is 23 feet high and the reader board 23 square feet. The LED is 3 to 6 lines of two-faced display with Red LED. Mr. Riccardo stated that would make it a 99 square foot sign. He hopes they could make a 40 square foot sign and have the reader board proportioned for that sign. Mr. Rosenthal stated that if the Township puts it in the resolution he will bring back to Walgreen's.

Chairwoman McCabe stated on Page C 5.2. The Walgreen's sign is 5 feet 4 inches high and 16 feet 8 inches wide. That's the larger sign. Mr. Rosenthal stated it was drawing Walgreen's A-3. The Main Walgreen's sign 60 square foot, it would be 23 feet high and 59.9 wide. Chairwoman McCabe stated she would agree to a 40 foot sign and a larger reader board to be more compatible in size. Mr. Rosenthal stated he would take it back to Walgreen's. Mr. Soloway stated it would be 40 square feet, 33 square feet for the reader board, 23 feet high.

Mr. Simmons continued with his report. The Dunkin Donuts floor plan possibly had some outside seating.

Mr. Simmons went on to Page 11, Section 12 – Construction Details, does the applicant have any trouble with those details? They are agreeable to that.

Mr. Soloway stated Page 10, 11b, II – Is that agreeable to the applicant to changing the fencing? Mr. Rosenthal stated it was board on board near the trash compactor. He agreed there was no problem.

Mr. Simmons went on to Page 11, Item 13 – A developer's agreement is recommended because of the subdivision map there will be easements and the utilities are going to be privately owned and maintained. Page 12, Item 14 there is a list of various approvals based on review of the plan would be needed especially the Developer's Agreement with the Town of Newton.

Mr. Soloway questioned Item 13 b, Water Main Construction on the Home Depot lot wants to know if an amendment with the Developer's Agreement is required. I will give to the Town attorney. Chairwoman McCabe questioned Ms. Kithcart about the new COAH requirements and how it applies to this application. Mr. Riccardo stated that this would have to be based on the COAH requirements, but if the COAH requirements are past it would become retroactive and they would have to pay the additional. It's now 1 for 4 units. Mr. Soloway stated that it would be the Developer's obligation to comply with the prevailing ordinance.

Mr. Riccardo questioned if there is a concern about the proximity of the main entrance on North Park Drive any closer to the Route 206 light, is there a question on the main entrance to that corner? How far away is that corner to the main entrance?

Mr. Stinson stated it was 100+ feet. It is labeled at 129 feet but it is exactly 100 feet from the radius which is the DOT minimum standard distance from an intersection. We fully comply, it's called corner clearance.

Mr. Simmons stated: At the intersection of Corner Circle access drive off of North Park Drive and the common driveway parallel to Route 206 and behind the Walgreen's. I didn't see it on the site plan who was going to stop and what kind of control was there. Mr. Stinson stated: He pointed where the stops were on site plan at a few locations. Mr. Simmons stated: Anyone from Pizza Hut or Wachovia would come down and stop and make the left and go down and then make the right come up. Mr. Stinson stated they could work it out. Chairwoman McCabe stated: Keep in mind when people are approaching the Walgreen's drive-thru you almost have a 4 way traffic situation there when they are making a left to go where the truck is in the middle of the intersection. There should be a stop there.

Chairwoman McCabe opened the floor up to the public. None coming forward Chairwoman McCabe closed the application.

Chairwoman McCabe stated: Let's go through the details Mr. Soloway.

Mr. Soloway stated: If the Board was going to vote for an approval it would be complicated. There would be granting variances minimum front yard 80 feet is required 52.9 feet is being proposed and 46. A variance for 2 loading spaces instead of 4 that are required. A variance to allow 89 parking spaces, the proposal was 91. The discussion was that you would eliminate the closest space on the left and right of the entrance off Route 206. You would also be voting on sign variances. Mr. Fox indicated the letter would stick out up to 8 inches. The Walgreen's signs would be 8 wall mounted signs instead of permitted 5 which includes what is in the tower. The pylon sign for Walgreen's would be 40 feet with an additional 33 feet and require a variance. The 41 square feet for Dunkin Donuts instead of 40 feet because of the addition to the drive-thru pylon sign brings them over. Site plan items: Note from last time that they were going to pave 2/3 of the Pizza Hut and Wachovia responsible for the 1/3. The Dunkin Donuts building would be constructed substantially in accordance with the rendering on A-15, includes color scheme depicted. The construction would be brick with the hardy plank or split faced block. Dunkin Donuts and Walgreen's box trucks will exit on North Park Drive not tractor trailers. No tractor trailers at Dunkin Donuts. Dunkin Donuts door handles are going to be included in their sign package. Walgreen's HVAC is going to be roof mounted and hidden by a parapet. Dunkin Donuts HVAC will either be ground mounted or roof top, but either case will be screened to the satisfaction of Mr. Simmons. The freezer box for Dunkin Donuts will also be screened with landscaping and painted in an appropriate color to the satisfaction of Mr. Simmons and comply with prevailing and applicable color. The stop bar and other safety measures in the area of the North corner of the Dunkin Donuts facility to the satisfaction of Mr. Simmons. As to Mr. Simmons report, the applicant will be required to comply with all the recommendations in Section 3, Subdivision. Would be required to work with Mr.

Simmons on Item VI on Page 5. Item 4g on Page 6 the site triangle easement. All of Item 5 a-f, all of Item 6a – Water, Item 6b – Sanitary Sewer, Item 6c – Electric, telephone, CATV, Item 7 – all, Item 8 – with the stipulations that the guiderail will be cortense steal and the reinforced concrete wall, Items a & c each will be a keystone type wall. The applicant will also install a guiderail and fence along the northerly side of the Dunkin Donuts drive-thru with the fence to be black vinyl. The Walgreen's sign within the Tower can be illuminated but cannot flash. Compliance with Item 11 a & b to Mr. Simmons' satisfaction. Items 12, 13 & 14 to Mr. Simmons' satisfaction, in the event that there is a dispute between the applicant and Mr. Simmons it comes to the Board for resolution. Preliminary site plan approval only with the variances plus the standard conditions and the minor subdivision subject to all the Items in 3 and negotiation of the developer's agreement. Item 2a, Page 2 which is the easements.

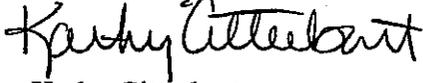
Mr. Soloway made a reference to the November 20, 2007 memorandum with Mr. Inga which has 5 recommendations. Item 1 was taken care of when you eliminated 2 parking spaces. Subject to satisfaction of Mr. Inga on the remaining 4 items.

Mr. Riccardo stated he was still concerned with traffic flow and potential future development and correction of the North Park Drive line striping has to be included.

Next on the Agenda, **New Business** – Mr. Martorana was carried until Tuesday, January 29, 2008 at 7:30 pm.

Ms. Unhoch made motion to approve preliminary site plan and the subdivision and the comments, conditions, the variances and negotiation with the developer's agreement as stated by Mr. Soloway. Mr. LeFrois seconded the motion. Board Secretary Ms. Citterbart called the roll. **Answering the roll were: Mr. Riccardo-no, Mr. LeFrois-yes, Ms Kithcart-yes, Ms. Unhoch-yes, Ms. Fowler-yes Mr. White-yes, Chairwoman McCabe-yes.**

They adjourned to an **Executive Session** at 10:41 pm.

Respectfully submitted,

Kathy Citterbart
Planning Board Secretary