

**Planning Board Meeting
June 18, 2008**

Regular Meeting of June 18, 2008 at 7:00 pm

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 Mrs. Citterbart called the roll. Board Secretary Citterbart stated there was a quorum.

Members Present: Mr. White, Ms. Unhoch, Mr. Ricciardo, Ms. Kithcart, Mr. Vandyk, Mr. Caffrey- 7:10, Ms. Fowler – 7:25, Chairwoman McCabe

Members Absent: Mr. LeFrois

ALSO PRESENT: Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, David Simmons, Board Engineer, Debra Millikin, Deputy Town Manager, Kathy Citterbart, Board Secretary.

FLAG SALUTE

CONSIDERATION OF MINUTES:

Ms. Unhoch made a motion to approve the minutes of the May 18, 2008 meeting. Mr. Ricciardo second the motion.

AYE: Ms. Unhoch, Mr. Ricciardo, Ms. Kithcart, Mr. Vandyk, Chairwoman McCabe.

HISTORIC RESOLUTIONS:

2008-002 – Kevin Shaw – 94 High Street

Ms. Unhoch made a motion to approve the motion. Mr. White second the motion.

AYE: Mr. White, Ms. Unhoch, Mr. Ricciardo, Ms. Kithcart, Mr. Vandyk, Chairwoman McCabe.

2007-012 – First Presbyterian Church, 54 High Street

Mr. Ricciardo made a motion to approve the motion. Ms. Kithcart second the motion.

AYE: Mr. White, Ms. Unhoch, Mr. Ricciardo, Ms. Kithcart, Mr. Vandyk, Chairwoman McCabe.

Chairwoman McCabe recommended to the Town Council that the Historic Commission become self-adjudicating so they can determine on their own whether an application is in keeping with the Historic Ordinances.

The way we approach applications needs to be different. The Board is making final approval on applications that have not been seen. This Board will have to see back up documentation before we make final approval. Mr. Ricciardo agreed and stated that the package should also be sent to Planning Board, not just Historic Commission.

RESOLUTIONS: None.

OLD BUSINESS

#SP 08-07 Martorana Enterprises, Block 1201, Lots 5 & 5.03, 100 & 104 Sparta Avenue. Applicant is seeking approval for a major subdivision site plan to allow construction of 2 retail buildings. Carried to July 16, 2008

PB 02-08 Northern NJ Endoscopy Center, LLC, Block 708 Lots 8 & 9, 18 Church Street. Variances.

Raymond Zierak from the firm Garafalo, Zierak and O'Neill, PA represented applicant.

Dr. Sam Kahlam, physician, lives at 6 Nuthedge Court, Hackettstown, NJ.

Mr. Yogesh Mistry, Mistry Design, Licensed Architect for 15 years, 17 Main Street, Netcong, NJ, sworn.

Mr. Zierak stated: As you recall, the site in question is the former County office building on Church Street. We have proposed to renovate the first floor to make it into a doctor's office and endoscopy center. Following the hearing we took into consideration many of the Board's comments and concerns. As a result, we have revised the plan to eliminate the concerns and issues that were raised. We have other changes that we are proposing. We have modified the plan regarding the entranceway that was going to encroach into the right-of-way in the annex. We have eliminated that from our revised plan. We are proposing to use the existing entrance to the building with a modification of adding an additional doorway to accommodate access to the building for staff, physicians and the patients. We were not successful in working out a satisfactory agreement with Mr. McChesney regarding the use of the handicap parking spaces. We will propose that the handicap spaces be provided on the County parking lot where we have rights to the use of spaces. The revised plan that was submitted shows the addition of handicap spaces that would accommodate any disabled patients. We are now proposing to put the generator in the interior of the building. We have a new floor plan that will show the interior location of the generator. We have amended our application to seek approval for a second doctor in the future and additional staff. This required a recalculation of the parking requirements. We have re-noticed our revised application. We have gone before the Historic Preservation Society and received their blessing and approval. Dr. Kahlam approached the County and I will present evidence a letter from the County regarding the parking facility and lighting that is provided at the parking lot where we are leasing the spaces and also discusses the right-of-way or easement which affords access to the County parking lot. What we have now with the revised application is the existing office

building with some minor modifications and interior modifications, an existing parking lot that was used in connection with this County building. We are presenting you a use which is less parking intensive than the office use.

Mr. Zierak questioned Dr. Kahlam: Are you proposing the consideration by Board of a possible second physician in the future? Dr. Kahlam stated: Yes. Mr. Zierak questioned: Can you tell the Board what role this physician might play in regard to the use of the facilities that are being considered by the Board. Dr. Kahlam stated: It may be a second physician, a gasterologist that does procedures that I would be doing or a general surgeon who would do simple surgeries like removing cysts and simple lumps and bumps. If it is a gasterenterologist, that will require the use of an anesthesiologist that would require an additional nurse in addition to the staff we would already have. Mr. Ricciardo questioned: What would the total staff be with the second physician doing the surgery? Dr. Kahlam stated: 6 for the first physician and 3 additional staff, with the second doctor, it would be 5 staff plus anesthesiologist and nurse would be 10. Mr. Ricciardo questioned: The surgery will be performed in the same wing that your procedure is performed in or in the other side? Dr. Kahlam stated: In the same side. Mr. Ricciardo questioned: All the procedures that you perform or the surgeon performs in the same section with the same working hours? Dr. Kahlam stated: Yes. Mr. Ricciardo questioned: Your procedures are only performed in the mornings? Dr. Kahlam stated: Correct. The operational hours would be from 7:30 am to 2:00 pm for the surgical section. Mr. Ricciardo questioned: The other side where it is only a consulting section only operates from what hours? Dr. Kahlam stated: Usually 1:00 pm to 4:30 pm. Mr. Zierak questioned: Since the last hearing have you spoken with the representatives of the County of Sussex regarding some of the issues such as the parking lot, lighting, right-of-way? Dr. Kahlam stated: Yes, they were able to provide me with additional information. We have a letter from the County. Mr. Zierak stated: Can I mark that with identification? Exhibit A-4 Was that letter from Joe Biuso, Director of the County of Sussex? Dr. Kahlam stated: That is correct. Ms. Unhoch stated: I would like to see a copy for the file, an original copy with letterhead, and Mr. Biuso's signature. Mr. Zierak stated: We will go back to Mr. Biuso and get it.

Mrs. Millikin stated: There are 8 spaces earmarked in that parking lot for the Historical Society and they need to remain. That was part of the agreement originally when the Historical Society got all parking. Mr. Zierak stated: There are 8 spaces marked on the site plan that was submitted. Ms. Unhoch stated: You are paying rent for 39 spaces and you will get 39 spaces? Dr. Kahlam stated: That is correct. Mr. Ricciardo stated: There is a conflict. This letter states you are getting 39 spaces and your application says you are getting 30. Dr. Kahlam stated: Yes. Originally when we bought the building in 2006 they striped the parking spaces. They striped only 30 because the side parking spaces were not striped because there were cars illegally parked there. They didn't count those they just counted the 30 and said that's your lease. I went back because of this parking issue and I told them some of the parking spaces are not striped. They went back and recalculated the number and that's what they came up with. All those parking spaces are available for the building. Mr. Soloway stated: You are claiming 39 spaces in the lot instead of 30? Mr. Zierak stated: Yes. Mr. White questioned: All the spaces that are

dedicated to Historic spaces will they all be along that one row? Dr. Kahlam stated: They are marked on the side of the building. Mr. Soloway stated: The Revised Site Plan dated 6/5/08 Exhibit reference to Site Plan in upper right side. The parking area showing 14 spaces on the northeasterly end, including 8 reserved for the Historical Society, the other six for Dr. Kahlam.

Mr. Simmons stated: I spoke with John Eskilson and he put me in contact with Dennis McConnell with the County Counsel. Dennis McConnell from the County Counsel provided some information for the Board records tonight. One piece of information was a survey that was done by Delaware Valley Associates. In the back of some of the properties that go between the Endoscopy Center building and the parking lot where the applicants parking spaces leased from the County there is a hatched area. The note on this plan says "hatched area has been conveyed as a certain right of way in and over a strip of land in both the deed to the County of Sussex in Book 550, page 346 and the deed to Massey and Golanda Book 1000, page 82." They have interpreted a hatched area as a cross-easement to get across the other two lots. Mr. Ricciardo questioned: Does that state the extended 9 spaces along the rear of the property? Mr. Simmons stated: The 9 spaces is not shown on this map. Based on a quick observation, they look like they do extend to that cross-easement.

Mr. Simmons also stated: They also provided for the Board's record a sub-lease between the County and this applicant. Noted in the letter of June 17, 2008 they talk about 39 spaces at a rate of \$6,000 a year. Either the number of spaces is incorrect or the \$6,000 a year is not quite right.

Mr. Soloway questioned Mr. Simmons: How many spaces do they need to comply? Mr. Simmons stated: Based on the revised calculations with the additional doctor for the entire building would be 88 spaces.

Mr. Zierak questioned Mr. Walker: Can you tell the Board what changes you made to the Revised Site Plan that was submitted? Mr. Walker stated: We modified the parking requirements to increase the number of required parking spaces from 81 to 88. We eliminated the entry going into the main building. We calculated 9 total employees with 2 doctors. Mr. Soloway stated: The testimony was 8 employees and 2 doctors, 1 anesthesiologist. Mr. Walker stated: Based on the testimony today, we would be required to have 87 parking spaces. Mr. Zierak questioned: Did you make a change in regard to the handicap space? Mr. Walker stated: Since we were unable to reach an agreement with the gentleman that owns Lot 9, Block 709, we have placed the handicap parking on the ends of the access isle within the County Lots 6 & 7, Block 709. We have added the striping as well the handicap signage with the penalty signage. Mr. Zierak questioned: Do the spaces reserved for the Museum are they clearly depicted? Mr. Walker stated: They are noted on the aisle that 14 spaces that 8 of the spaces are reserved for Lot 5, Block 709. Mr. Zierak questioned: With the regard to public parking available in the immediate vicinity. The plan indicates there are a number of metered parking spaces on Church Street. Mr. Walker stated: We did a calculation before tonight's meeting. Main Street within a block of the site, we have 17 parking spaces. Right around Church Street

we have 21 metered parking spaces. Half way down the block to the North has Municipal parking lot which has 21 parking spaces.

Mr. Zierak questioned Mr. Walker: What lighting is there in the County parking lot? Mr. Walker stated: There are 2 fixtures in the County parking lot. They are standard street light fixtures. There is one large fixture on the building that shines out toward the parking lot. There is also another light fixture on Lot 3, Block 709 which is on the common property line of our lot which lights the parking lot directly adjacent. The letter we received from the County discusses these light fixtures. The County has an opinion that the lighting is adequate.

Mr. Zierak questioned Mr. Walker: If the generator is inside the building, will that eliminate the need for the concrete pad that you show on the drawings. Mr. Walker stated: Yes. Mr. Zierak questioned: That is located on the back side of the building? Mr. Walker stated: Yes on the northwesterly side of the building. Mr. Walker questioned: How do the handicap people access your piece of property? Mr. Walker stated: Handicap parking would go across the parking lot to get into the front door. Mr. Ricciardo questioned: So you don't have an easement there? Mr. Walker stated: We do have an access easement. Mr. Ricciardo stated: You have an access easement that is encroached by 9 parking spaces. Mr. Walker stated: The depth there is approximately 23 feet where cars are 18 feet deep. There is room legally to have access there. Mr. Ricciardo stated: That's not what is shown here in your plan. Discussion ensued.

Mr. Zierak questioned Mr. Mistry: Have you prepared a revised floor plan and also some revised elevations regarding the building? Mr. Mistry stated: Yes. Mr. Zierak questioned: Let's start with the elevations, Exhibit A-5 - Floor Plan, Exhibit A-6 - Elevation Sheet, Exhibit A-7 - Architectural detail. Mr. Soloway questioned: Were these submitted? Mr. Mistry stated: These drawing were not submitted. The salvation sheet was not submitted as part of the original submission. The Board brought up at the last meeting that they wanted to see more details on the drawing. Mr. Zierak stated: We submitted it to the Historic Preservation Commission.

Mr. Mistry stated: Some components that were changed from the previous are the entry at Linwood Annex and the generator on the right side of the building. We have eliminated the entry that was at the side of the building into the right of way. We are using the existing doorways and putting in a new doorway into the notch of the building. Mr. Ricciardo questioned: Can the elevation of that be raised? Mr. Mistry stated: Yes. Mrs. Millikin stated: I have the plan that was brought to the Historic Commission and I am willing to give that to the Board. Mr. Mistry stated: We added a new doorway. The Historic Board reviewed the signage, the types of doors, the lighting and other exterior colors. They were all approved. The sign is mounted on the fascia of the existing canopy. The sign is approximately 19' 4" long, wood sign with painted letters. Mr. Ricciardo questioned: What is the material of the front entrance? Mr. Mistry stated: the door is white clad aluminum door with rustic hardware on it and glass panel. The generator was proposed on the right side of the building close to the elevator. We are bringing it inside the building. We carved a space 18' 6" by 12' 10". It is a generator

room. There will be vent or exhaust outside. It will meet the noise requirements. There is a staff entry door with a side light on it. There's another door for the entry of the patients. It will have to meet all fire sub-codes. The whole surgical center will be sprinklered.

Mr. Simmons questioned: For the additional fire sprinkling, you will need another tap on the Town's water main? Mr. Mistry stated: We have to check that. There is a sprinkler line coming in. Our engineer hasn't gotten to that point of checking the size of that and if we need to upgrade. Mr. Simmons suggested the Board to if they act favorably on the application that if an additional tap is made that Newton Water and Sewer be updated.

Mr. Ricciardo questioned: Dr. Kahlam, how many patients do you see in the exam facility? Dr. Kahlam stated: We have them scheduled about 10 minutes apart. If it's a new patient it takes longer, where a follow-up patient takes shorter. Maybe like 20-25 patients on a normal day from 1:00 pm to 4:30 pm. Mr. Ricciardo questioned: How many staff members are there in the afternoon? Dr. Kahlam stated: Three staff members and myself.

Mr. Simmons questioned: Is the generator going to be propane or diesel? Mr. Mistry stated: Diesel. Mr. Simmons questioned: Any kind of tank will be a day tank? Mr. Mistry stated: Yes. You have to support at least 24 hours worth of a generator running. Mr. Ricciardo questioned: Is it a 250 or 150 gallon tank? Mr. Mistry stated: It's a 80 kilowatt generator, 150 gallon.

Mr. Ricciardo questioned: Mr. Simmons, you would be satisfied with the handicap parking spaces being relocated and the designated employee parking with those parking spaces being pushed all the way up with the width of the access? Mr. Simmons suggested that moving handicap spaces up would be subject to the review of the Town Construction Official. Between the northeasterly edge of the stripes that are shown for the 9 parking spaces and the easement area shown on the Delaware Valley map, there is a few feet that technically somebody could wheel through and be within the easement to get over to the Endoscopy Center. I would be OK with that. The aisle doesn't coincide with the easement on the Delaware Valley map. It appears that it has been in use for many years. There is room to travel on that easement area.

Mr. Soloway questioned Mr. Simmons: Do you think the Board approves that we should be provided with a copy of the easement that is recorded at the County Clerk's Office? Mr. Simmons stated: Yes. My understanding when we discussed the two handicap parking spaces the applicant proposed original on the 30 lot, he indicated that required any kind of letter for the approval Board that it would be provided. My suggestion is that the lease or sublease with the County if the Board acts favorably that a condition be that the County approve where they are proposing to put the handicap spots.

Mr. Ricciardo questioned: The rest of the building is going to be rented? Mr. Zierak stated: Yes. Mr. Ricciardo questioned: As an office facility or you don't know yet? Mr. Zierak stated: We don't know yet. Mr. Kahlam stated: We will rent as office space. Mr.

Ricciardo questioned: Then what is the parking for the rest of the building? Mrs. Millikin stated: It's office space for every 200 square feet of floor area. Mr. Ricciardo questioned: So how many will that be? How big is the building? Mr. Zierak stated: That was included in the 88 spaces.

Mr. White opened the floor to the public. There was no public.

Mr. Soloway read the conditions:

Nine spaces encroaching in the right of way be designated so that 2 of them are for handicap. The other 6 or 7 spaces would be designated for employees only. Any approval the Board gives will be based on the assumption that encompass up to 2 doctors performing procedures. Either 2 gastroenterologists or 1 gastroenterologist and 1 general surgeon with support staff. Day tank for the generator. The generator will comply with all applicable noise requirements and the applicant will have to verify that as a condition for approval to the satisfaction of Mr. Simmons. If additional tap is required, you must obtain an approval from Newton Water and Sewer. We want a signed copy of the June 17, 2008 letter from the County of Sussex on appropriate County letterhead. A copy of the recorded easement to the satisfaction of Mr. Simmons and to confirm that the cross easement exists. That is the final bullet point in the June 17, 2008 letter. County approval on relocating the handicap spaces as indicated. Terms of Mr. Simmons April 11, 2008 report. Item # 8 – any signs proposed and should be provided. The testimony states they are on the architectural plan. A Historic Commission approval was obtained for the sign. Item # 9 – the generator has been moved inside. Other agency approvals including fire sub code are needed. They have obtained Historic Commission approval on June 16, 2008. A copy of the lease is needed to verify the right to the parking spaces, signed and on letterhead. Tap fee if required, COAH obligation if required.

Mr. Simmons suggested an as-built be provided on completion of project.

Mr. Ricciardo made a motion that all the requirements from Mr. Soloway be approved as presented. Ms. Kithcart second the motion.

AYE: Ms. Unhoch, Mr. Ricciardo, Ms. Kithcart, Mr. Vandyk, Mr. Caffrey

NEW BUSINESS

PB-06-08- Nause, Scott – Block 802, Lot 34 – 91 Trinity Street.

Conditional use. Representing the applicant is Mr. Wayne McCabe, McCabe and Associates, Licensed Professional Planner, previously sworn The Board accepted Mr. McCabe's qualifications as a professional planner.

Scott Nause, sworn.

RECUSED: Chairwoman McCabe

Mr. McCabe stated: This is a conditional use. It is permitted within the Zone. The applicant is looking to run his acupuncture professional out of the building he owns. His office is currently on Main Street, one block away. He is proposing to move his professional office. He does reside on the second floor. He proposes to use the first floor for his professional services. The building was constructed in the late 19th century on the property. The depth 167 feet and width of 60 feet. There is a gravel driveway and walkway leading to the rear. It has a stockade wood fence in back of the house and down the two sides of the building. There is no fencing in the rear. There is enough room for 2 stacked cars in the parking area and street parking. The applicant is proposing to reuse the first floor, see the architectural plans prepared by the applicant and his father. The plans show 2 treatment rooms, a professional office, kitchen and bathroom. His clients come to him at the site. There would only be 2 clients at a time because there are only 2 treatment rooms. Currently there is no support staff. He will be a sole practitioner. There is only parking space needed for the applicant. There are two spots where the driveway is now or you could have one person as a patient or public parking on the street. It will be a benefit to the community. The Master Plan and Zoning supports the use. It is a permitted conditional use. The low level intensity would have no impact on the community.

Mr. Ricciardo questioned: How many cars do you have for personal use? Mr. Nause stated: One. Ms. Unhoch questioned: Will you have an employee? Mr. Nause stated: No. Mr. Ricciardo would like to see parking on the site. Mr. McCabe stated: We can open the parking further on the site. The plan shows existing stone fish pond. It is possible to open it up with swing gates and move the fish pond somewhere else on the property. The parking spot would be there for the applicant, then you will have two parallel parking spaces available for the patients. Mr. Ricciardo stated: I would like to see that addressed. Mr. McCabe stated: There is actually a fish pond there. It is a man-made pond. Mr. Ricciardo stated: You are going to have 3 parking spaces. One for the residential unit on second floor and one for 2 patients. There is no waiting facility? There are no patients waiting? Has that every occurred? Mr. Nause stated: No. Mr. McCabe stated: His scheduling can keep it so that the 2 parking spaces would be all he will need. Mr. Ricciardo stated: If we made a restriction in the motion that he would have to have 15 minutes between the arrival and departure of patients.

Mr. Simmons read his May 15, 2008 report: Page 2, 3a - Site Plan. I do know the existing lot as far as area, lot width, front yard and side setbacks is sufficient in those four categories. Those are existing conditions. Item C, parking calculations have not been provided. Section 20-8.2 medical offices require one space for 100 square foot of building area or 4 spaces for each doctor plus one space for each employee, whichever is applicable. I said with one doctor and 1 employee at least 5 parking spaces required and at most 3 stacked spaces could be placed in the expanded driveway which would require a variance. The doctor does not have an employee at this time. That would cut it back to 4 spaces, but it would require a revision of the site plan to show that space. It is not clear how the parking will function since the parking does not appear to be provided for patients, doctors and any staff. Item D, shows the existing driveway gravel and shows signs of erosion and runoff. Section 20.8.3a - Requires paving parking lots of a capacity

of 4 or more vehicles, 3 were proposed originally, but 5 will be required based on the assumptions. I would recommend the driveway to be paved with at least 4 inches of DGA and 2 inches of concrete. Mr. McCabe questioned: It will be I-5 mix? Mr. Simmons stated: Yes. Mr. Simmons suggested the driveway be paved and next to the driveway a stone trench to penetrate some of the water into the ground. Discussion ensued.

Mr. Simmons went on with his report. Item E, the existing stockade fence in front of the parking area extends to the existing gravel. The fence will have to be raised or cut off at the bottom to allow run off in the parking area. The general topography is from Trinity Street towards the northeast down towards the rear of the property in the wetland area. Item F, the existing stockade fence on the southeasterly side of the property encroaches on the adjacent lot 35.01 by 8 feet. On the westerly side encroaches on adjacent Lot 36.01 by about 2 feet. He suggested the encroachment be corrected or easements obtained from the adjacent lots. He also suggested to reset the fence within the property lines. Mr. McCabe stated: If we had to get an easement, it would be easier to move the stockade.

Mr. Soloway questioned: It's your opinion Mr. Simmons that they require a variance for the parking? Mr. Simmons stated: If they provide 4 parking spaces based on the testimony that they don't have any employees, then it appears they would have sufficient parking. Mr. McCabe questioned: Where do you get 4? One person living there and 2 clients. Mr. Simmons stated: The ordinance states 4 spaces for each doctor. Mr. McCabe stated: Then I will ask for a variance on that.

Mr. Simmons went on with his report. Item G – The adjacent property to the southeast, Lot 35.01 was previously before the Planning Board. Part of the application required verification of the wetlands and transitional limits in the rear of the property by scaling the proposed parking area and this is prior to expansion will be approximately 121 feet from the rear property line. This is less than 150 foot transition area that might be associated with the wetlands to the northeast. The applicant has to address this issue. The applicant has not supplied anything on an LOI yet. Mr. McCabe stated: No we haven't. The wetlands are not immediately adjacent to the property they are much further back than our lot line is. Mr. Soloway questioned: It's your opinion that the wetlands have to be at least 150 feet away? Mr. Simmons stated: I believe the applicant should gather up all the LOI's that have already been obtained in the area. To the south there is a duplex and they obtained an LOI for that property. My suggestion is that they superimpose that on this map, especially the additional parking area that is going closer so that they don't run amuck on any of the DEP requirements. Mr. McCabe stated: We will superimpose it and see what we get.

Mr. Simmons read his report. Item H – Landscaping is required for all site plans. The applicant must submit a landscape plan and show the landscape for the site and include any required screening. Mr. McCabe stated: We have included screening and a proposed 6 foot high stockade fence approximately 45 feet in length along the southerly side in front of the stockade fence that is there now and on the right side of the gravel driveway.

The applicant has already planted perennials and annuals around the base of the property as a foundation planting. The rest of the lawn will be kept green. Mr. McCabe stated: The plantings were completed before last monthly meeting.

Mr. Ricciardo questioned: Do you have patients come at night? Mr. Nause stated: Only on emergencies. Mr. Ricciardo questioned: Is there any intent to light the parking lot? Mr. McCabe stated: No, because if he ends his appointments by 5:00 pm there will be light through the Spring, Summer and Fall.

Mr. Simmons went on with his report. Item I – Access and circulation requirement by the Town sidewalks are required and the applicant is showing that along with a concrete access ramp. Under Utilities, the existing facility is sanitary sewer, the water from the Town. I would like to get the water located. Mr. McCabe stated: We are not touching the ground near that. If you are looking at the building from the road, it is in the front left corner of the building. The sanitary comes out of the front left side makes an elbow and comes to the street. The water line comes in right in front of the building. Mr. Simmons stated: Show that on the plan. Mr. McCabe stated: Yes.

Ms. Unhoch questioned: Is the handicap parking space required here? Mr. Simmons questioned: Have you talked to Construction Department? Mr. McCabe stated: No, but I talked to an architect about it. It's our opinion that the existing building will not require handicap accessibility. Mr. Soloway stated: Back to the access and circulation, the applicant is going to construct sidewalk depressed curb? Mr. McCabe stated: Yes and we showed that on the plan.

Mr. Simmons went on with his report. With regards to lighting, for security purposes and those 5 pm type of appointments in the winter, my concern is that the plan shows no illumination and perhaps Mr. McCabe can explain the pedestrian flow of traffic from the parking areas to which door they are going to go in on the building. Mr. McCabe stated: They will come in the front door off the sidewalk on Trinity Street. They will not be coming down the concrete walkway to the side entrance that leads into the area where the office would be. They will come in the front door, through the enclosed porch, then through the front door. Mr. Ricciardo questioned: If you have to put in 4 parking spaces they are going to walk from the parking lot on the south side and all the way out to the street and around to the front? Mr. McCabe stated: Out to the sidewalk. Yes. Mr. Simmons suggested lights in the parking lot might be necessary for safety purposes.

Mr. Simmons questioned: The only question on signage is that there is a 2 foot sign proposed to be in the front door panel below the window won't be illuminated? Mr. McCabe stated: No. We have an on-street pole mounted light very close by for sufficient illumination. If he's not having night hours, we wouldn't need to have it illuminated. Mr. Simmons questioned: With regard to the architectural plan the applicant prepared, which room on the architectural plan is going to be the waiting room? Mr. McCabe stated: There is no waiting room for the patients. They will be taken right in to one of the treatment rooms. Mr. Simmons questioned: When they walk in they will be greeted by? Mr. McCabe stated: The applicant and he takes them into the treatment

room. Mr. Simmons questioned: The second floor is used for? Mr. McCabe stated: His residence. Mr. Simmons questioned: Any improvements to the exterior of the building? Mr. McCabe stated: They have already done them. They put a new roof on. As money is available they may reside the building. There is no intent to do any other improvements to the building. Ms. Fowler questioned: What if the next patient that is coming in is early? Mr. Nause stated: I stagger the patients. One patient could be almost done when another is resting with the needles in. If someone comes early, the other person would just be getting done.

Mr. Simmons went on with his report. Mr. Simmons questioned: Any additional HVAC upgrades to the existing dwelling? Mr. McCabe stated: No. If anything it will be a window air conditioner. Mr. Simmons questioned: The hours of operation? Mr. Nause stated: Monday thru Friday 11:00 am to 6:00 pm. Saturday and Sunday are only for emergencies. Mr. Simmons stated: In the wintertime they will definitely be in the dark.

Mr. Simmons went on with his report. Construction – No problems. As far as approvals, working out the building issues with the construction official, fire sub code official, driveway permit for the concrete sidewalk in the apron and verifying if the DEP permit is needed for the both site approvals.

Ms. Caldwell stated the highlights of her report. It is a conditional use under Section 20-20.1. The conditions are that no more than one lighted name plate of a professional sign not over 2 square feet shall be permitted. They did submit a 2 square foot sign but they should submit details for whether or not it was lighted and what it would look like with any revisions. Mr. McCabe stated: It's not going to be illuminated. It would be painted or carved wood. The design we don't know yet. Mr. Ricciardo questioned: Would it be impossible to get the design for the next meeting? Mr. McCabe stated: If you really want it. Ms. Caldwell stated: The only other condition is no more than one person that is not a resident at the dwelling should be employed there. I did address the parking. I scaled off the building area so that it was one space per 100 square feet or 4 spaces per doctor. There is about 400 square feet being used. Either way it would be 4 spaces. It is my opinion that they need a variance unless they are going to provide an extra space. Are you providing 3 spaces or 4 spaces? Mr. McCabe stated: 3. Ms. Caldwell questioned: Is it the testimony that you are not going to be using on-street parking? Mr. McCabe stated: We have to have it all on site. Ms. Caldwell questioned: You could expand the testimony further, is it your testimony that you could or could not? Mr. McCabe stated: We can, but will have to deal with the issue of the wetlands.

Mr. Vandyk questioned: You are going to utilize the apartment upstairs, correct? What if you decide to move out of the apartment and rent? Mr. Nause stated: I'm not planning on it. Mr. McCabe stated: If you have a separate person living upstairs, then the person running the office downstairs, you would by code have to have a separate means of ingress and egress set aside for them. That could be problematic.

Mr. Soloway questioned: Is the nature of this application that it is a home office? Mr. McCabe stated: Home occupation. Mr. Soloway stated: If the Board grants an approval

for a use where the business is on premises. If Mr. Nause wanted to rent the unit to someone else, the approval would be void.

Mr. White opened the floor to the public. There was no public to speak. Mr. White closed the public portion of the meeting.

Mr. Soloway stated: The application would be for site plan approval, a variance to allow 3 on-site parking spaces, the plan will be modified to show a turn around area for on-site parking for a K-turn to be made and Mr. Simmons report Section 3, Item D the driveway be paved and there be some filtering material on the edge to the satisfaction of the Board Engineer, Item 3e - becomes moot, Item 3f would comply with the recommendation left to the applicant, Item 3g confirmation to satisfaction of Mr. Simmons with wetlands or DEP regulations in transition area, Items 4a &b – show location of water and sewer lines on plans, Item 5 – Parking lot lighting to Mr. Simmons satisfaction, Item 10, 11, 12 – the sign to be in compliance with Ms. Caldwell's report. Mr. Simmons suggested the resolution be memorialized at next meeting. Mr. Ricciardo stated he would like to see all the changes made on the plan prior to July 16, 2008 meeting. Discussion ensued.

Ms. Unhoch made a motion to carry the applicant to July 16, 2008. The applicant must submit revised plans addressing open issues. Mr. Ricciardo second the motion. Carried to July 16, 2008 with no further notice.

AYE: Mr. White, Ms. Unhoch, Mr. Ricciardo, Ms. Kithcart, Mr. Vandyk, Mr. Caffrey.

CONCEPTUAL

Mike Citro and Joe Capp would like to start an indoor paintball field at 56 Paterson Avenue. See enclosed.

We are planning an indoor paintball field. It is netted in and have blow up bunkers. You have markers and technically you are shooting at each other with paintballs. The hours we are planning are from Friday 4:00-10:00 Saturday 11-4 and 5-10, Sunday 12:00 – 5:00 pm with an hour downtime on Saturday from 4:00 to 5:00 pm to get the people out and clean up. On a really good day we may have 20-25 cars. The median age group is between 10 and 16. Parents are dropping kids off to play. There is an issue with parking. The other businesses run 9:00 am to 5:00 pm. We only run on the weekends and night hours on Friday. There may be an occasional birthday party during the week. The square foot of building is 45,414 square feet. Our space is 12,500 square feet. There are 12,000 to 13,000 other businesses in this building.

Mr. Simmons stated: There is a fire easement for ingress and egress. Mr. Ricciardo questioned: Where would they get their parking and where would the other occupants of the building park? Mr. Simmons stated: The applicant would have to get a parking and loading zone variances. Have you talked to the fire sub code official yet? He was talking about some new codes regarding sprinkler systems. Check his requirements. My

concern is with outside lighting for ingress and egress, parking, check with the cabinet maker going in behind this.

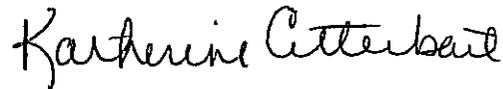
Mr. Soloway stated: The Board is saying you have a permitted use. If you can come in with a plan that satisfies the ordinance, you have a favorable chance to get an approval. Based on the limited information available to us, the one area that may be in non-compliance is parking. The advice is to figure that out as definitively as you can. I'm not sure what the parking requirement is for this and the complicating factor of you sharing property with other uses where there is common parking. Try to figure out what they need.

DISCUSS HISTORIC

Mr. Simmons stated: We talked last month for Dominick's outside parking. They are proposing 5 feet to 8 feet wide by 36 feet long for the tables on the sidewalk. Ms. Millikin stated: It would be inside the sidewalk area. They are putting in some landscaping, including a hedge. The Board approved.

Mr. Ricciardo made motion to Adjourn. Ms. Unhoch second the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 10:17 pm. The next regular scheduled meeting will be held on July 16, 2008 at 7:30 pm in the council chambers of the Municipal Building.

Respectfully submitted,



**Katherine Citterbart
Planning Board Secretary**

Exhibits

Exhibit A-4 Letter from Joe Biuso, Director of County of Sussex