

PLANNING BOARD MEETING
MINUTES OF THE REGULAR MEETING APRIL 16, 2008

The regularly scheduled meeting of the Planning Board took place on the above date. Chairman McCabe read the Open Public Meeting Act.

Members Present: Ms. Fowler, Mr. White, Mr. LeFrois, Mrs. Unhoch, Mr. Ricciardo, Ms. Kithcart, Mr. Caffrey, Mr. Vandyk, Chairwoman McCabe.

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

FLAG SALUTE

CONSIDERATION OF MINUTES:

Mr. Ricciardo made a motion to approve the minutes of the February 20, 2008 meeting. Ms. Fowler second the motion.

AYE: Ms. Fowler, Mr. White, Mr. LeFrois, Ms. Unhoch, Mr. Ricciardo, Mr. White, Mr. Caffrey, Mr. Vandyk, Chairwoman McCabe.

ABSTAINED: Ms. Kithcart

HISTORIC RESOLUTIONS:

#2008-001 C& H Property Development, LLC. Ms. Unhoch made a motion to approve. Mr. LeFrois second the motion. Roll call vote:

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

OLD BUSINESS:

PB 05-08 Project Self Sufficiency – Block 303, Lot 21.01 – 127 Mill Street. Final Site Plan Approval.

Jennifer Kovach, Esq. of Daggett, Kraemer, Eliades, Vanderwiele & Ursin. represented the applicant, Douglas Dykstra, Dykstra Engineering, Professional Surveyor and Planner, Debra Berry-Toon, Director of Project Self-Sufficiency, sworn.

RECUSED: Chairwoman McCabe

Ms. Kovach stated: The applicant was before the Board in March in 2006 and received preliminary approval. Since then, the project has been substantially completed and we

are here tonight to review Mr. Simmons letter dated April 10, 2008 and wrap up the final issues that are outstanding. Please refer to Mr. Simmons letter date April 10, 2008.

Mr. Dykstra stated: The project is closing in on completion. As of March 21, 2008, I had my field crew do an as built location of everything and all improvements to date. Mr. Simmons' office inspected the site and he prepared a report reflecting the current level of improvement. There are some things like pavement that still has to be installed. The as built plan has a few items that Mr. Simmons would like to see added. I recommend that Mr. Simmons go through his report because it will cover all of the issues at hand.

Mr. LeFrois requested Mr. Simmons to go through his letter. Mr. Simmons stated: This is a project that is in progress and towards completion. The items I am going to mention just to highlight in case anyone has a question. The biggest item left to do is to complete the dense graded aggregate in the pavement throughout all the access drives and parking areas. They have all been curbed, and backed up on the curb. The pavement has to be put in. They haven't done that yet because they were working on the utilities. The landscaping is in various stages of completion. There were some materials planted, trees planted and some trees ready to be planted. The detention basin on the lower side of sheet #3 is basically constructed. There has to be some grading changes and volume calculations checked because the berm isn't quite high enough. Some signage has to be put in. The freestanding sign on Route 519. There is an existing building that is not shown on the as built plan that is on the southerly side of the detention pond that has to be raised. Mr. Dykstra stated: At the time of the preliminary the intent was to raise the structure. As the project went on they would like to keep that structure because it is handy for landscaping equipment and gardening equipment so they did not tear it down. They would like to request that they can keep it.

Mr. Collins questioned: Is it a barn? Mr. Dykstra stated: It's a little bigger than a shed. It has windows and it's nice. Mr. Collins questioned: Would it be occupied? Mr. Dykstra stated: No. Ms. Kovach stated: It's just for storage of lawn tools, rakes, etc. They don't have any other place to put that sort of stuff. Ms. Unhoch questioned: It's in good condition? Ms. Kovach stated: Yes. It's attractive. Mr. Ricciardo questioned: Would they be storing lawn maintenance equipment like lawn mowers and tractors? Ms. Kovach stated: I'm not sure. I think just tools no actual machinery. Mr. Dykstra stated: I'm sure they will have a landscaping crew coming in. Things like tools, gardening, pots for flowers, shovels. Mr. Ricciardo questioned: What is the proximity to the existing building? Mr. Dykstra stated: If you come in the lower parking lot, the southerly entrance, it sits down off the elevated parking area near the pond. Mr. Collins questioned: It won't get flooded? Mr. Dykstra stated: I can't say for sure. It's down in a wet area. Mr. Collins questioned: Will the proposed detention facility affect it? Mr. Dykstra stated: It doesn't necessarily impact it. I would have to look into that. Mr. Simmons stated: If I had to characterize it, it's like a carriage house. I suggest it needs a little maintenance, coat of paint to spruce it up.

Mr. Dykstra stated: If something comes up we would like to have the ability to bond if we would like. If a fixture doesn't come in because of back order, etc. Mr. Ricciardo questioned: Shouldn't we have that determination made before the final approval on the

site plan whether they are going to bond or intend to bond on what items they are going to bond? Mr. Collins stated: We would have to give that another week or two to see how far we get and what items might not be completed. It could even be cash bonding for the items that are outstanding.

Mr. Ricciardo questioned: What about the detention basin when is that going to be attended to? Mr. Dykstra stated: Immediately. All the big items will be done. Mr. Collins stated: Those do sound like the types of things that are typically done by a cash bond and temporary Certificate of Occupancy. A cash escrow or bond to the Municipality for the remaining items and then they get their complete Certificate of Occupancy. I am comfortable that it will be customary to still give final site plan. Discussion ensued.

Mr. Simmons continued with his report: The as-built survey. We are looking for additional information to finalize and document all the utilities on the site. The Developer's Agreement. Item #6, before they go for their temporary c/o I made a listing of the various agencies that I believe they have to get approvals from and provide documentation that all those agencies are satisfied.

#5 The Fence and Sidewalk – Sheet 2 shows additional sidewalk and fencing for the campus. Mr. LeFrois stated: I agree with Mr. Simmons. Maybe add a sidewalk outside the fence to accommodate the public for foot traffic along Route 519.

Ms. Berry-Toon stated: The gates are going to be open at 6 am for the child care center and they will not close until 9:30 or 10 pm. Mr. Ricciardo stated: The vice chairman made a good suggestion by moving the fence inside or put sidewalks on the other side. Mr. LeFrois questioned: Would it be possible on the north side of the northerly drive to add a little sidewalk just to the edge of the property? Mr. Dykstra stated: It's easy for me to sketch on. Mr. Simmons questioned: With regard to details of the gates? Mr. Dykstra stated: I will provide them. I don't have anything with me. We will go to the same manufacturer. I will go online, see what he has, and run them by you. Mr. Simmons stated: Maybe you can go over the method of gate operation. I scaled it off and in particular the sliding gates for the vehicles to come in. There is room for 1 vehicle to cue there. I thought you might be able to describe it. Is it a touchpad or how does it work? Mr. Dykstra stated: As far as a touchpad, I don't have that information. The gates are going to be open during operation, 5:00 am until 10:00 pm. There are only going to be closed at night. They are going to be triggered by the alarm system going off or there is a fire they will open. Ms. Berry-Toon stated: There will be a keypad, but there will also be a removal. The first person coming in will open up the gate for the center will remotely open the gate when she is approaching before she turns in. Then the gate will be open for the rest of the day. Mr. LeFrois questioned: Will the emergency opening with the alarm be tested initially and then periodically tested? Is there something we could put in the resolution that says it's tested with the fire marshall every so often to ensure that it works? Ms. Berry-Toon stated: We are required to have certain amount of fire drills because of daycare center. So that will be tested by us as part of the fire drills. Mr. Ricciardo questioned: Do you know if the system has a manual bypass on it? If the

electronics fail, is there a way to open the gate if it is closed? Mr. Dykstra stated: I don't know that information. Mr. Ricciardo questioned: What is the gate material? Ms. Berry-Toon stated: Dark forest green aluminum.

Mr. LeFrois questioned: Mr. Dykstra, are there any particular issues with Mr. Simmons described or anything you haven't explained? Mr. Dykstra stated: No, I think you covered everything. He has a list of items that have to be added to the plan for final approval. We will take care of all these items.

Mr. LeFrois open the floor to the public.

Mr. Ken Hardmeyer, 70 Pine Street. As a member of the Shade Tree Commission I hope that you have seen the application and I trust Newton's desires for shade trees into consideration and ample supply will be provided. Mr. Dykstra stated: We saved a lot of trees. They are planting trees for the landscaping.

Mr. Ricciardo made a motion to approve PB 05-08 the final site plan with the conditions discussed. They were in David Simmons' report of April 10, 2008, the storage structure in the lawn area may be retained as long as it is painted and properly maintained and prior condition of the preliminary requiring it's removal or demolition is modified to allow it to be maintained and kept as long as it is painted and maintained, and as long as it is used for storage for lawn tools and similar materials. Mr. LeFrois questioned: Should we specify non-motorized, non-combustible lawn equipment? Would that be acceptable? Ms. Berry-Toon stated: Yes. Mr. Collins stated: They would move the fence to the building side of the sidewalk and move the gates to a location described in the hearing. They will extend the sidewalk to the north to the edge of the property line. They will test the gates as part of the fire drill operations. They will also post a cash bond in the amount acceptable to the Board Engineer and the Construction Code Official prior to the issuance to the permanent Certificate of Occupancy and any temporary Certificate of Occupancy. Mr. Ricciardo questioned: Can we include the handicap access and the sidewalks? Mr. Collins questioned: Yes, everything in his report is going to except what we just described. Ms. Kithcart second the motion. Roll call vote:

AYE: Ms. Fowler, Mr. White, Mr. LeFrois, Ms. Unhoch, Mr. Ricciardo, Ms. Kithcart.

Ms. McCabe returned to Chairwoman.

#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 May 21, 2008

Chairwoman McCabe stated: I have a letter from Mr. Fiorello stating that Mr. Donahue has provided a revised site plan dated April 2, 2008. The plan is being submitted to the Sussex County Planning Board for their review. Mr. Fiorello requested the application be

carried to the May 21, 2008 meeting. Chairwoman McCabe requested the application be carried to May 21, 2008.

NEW BUSINESS

PB 01-08 Walter Lichtenegger, Block 1201, Lot 2, 56 Paterson Avenue. Minor Subdivision and Variance.

Mr. William Mack, Esq., represented the applicant, Mr. Michael O'Krepky, KSM Engineering, Ms. Camille Bonanno, Mr. Walter Lichtenegger, sworn.

Mr. Collins stated: Let's try to focus in on the completeness checklist and any waivers that you require and the completeness requirements of the Ordinance. Mr. Simmons stated: There was a checklist requirements for utility profiles for the water and sanitary sewer connections. Mr. Collins questioned: Do we have any of those items the architectural, the landscaping or utility profile? Mr. O'Krepky stated: Yes we do. We have the landscaping architectural plan we have tonight with us and we would like to submit that as an exhibit. After tonight, we would supply additional copies to the Board. In terms of the utility profile, water and sewer connections, at this time we ask for a waiver the reason being is that we take apart the utility pipe and put in a stake with a censor on top to sense where they go because we don't want to tear up the street. We do know where the main utility connections are. Mr. Collins questioned: The architectural plan? Mr. O'Krepky stated: I think they want a waiver for that tonight. Mr. Mack stated: I am looking at Mr. Simmons report of April 9, 2008, page 2, and I don't see architectural plans on there. Mr. Ricciardo stated: It was my understanding at the last meeting that this was a pre-engineered metal building that was going to be delivered sometime in April which led me to believe that the plan should have been approved by whoever was reviewing them prior to tonight. Mr. Mack stated: That was my understanding at the time we had a conceptual review meeting with the Board. Mr. Ricciardo questioned: Is it still a pre-engineered building? Mr. Mack stated: Yes. Mr. Lichtenegger stated: They are holding it for us. Mr. Ricciardo questioned: Have you approved the plan? Mr. Lichtenegger stated: Yes. Mr. Ricciardo questioned: They approved it based on what set of drawings? Mr. Lichtenegger stated: We have the drawings of the building itself. We knew what the building looked like. Mr. Mack stated: I do have one copy of those. They aren't the traditional architect plans with the elevation shown on them. They do show the breakout of the building and the height and so forth as it relates to itself. Mr. Ricciardo questioned: Does it show the materials? Mr. Mack stated: Yes. Mr. Ricciardo questioned: Does it show the colors? Mr. Mack stated: No, but they have the color swatch. Mr. Ricciardo stated: That is basically what we are looking for.

Chairwoman McCabe stated: I have some issues with utility profile. It's my understanding that the water suppression system failed the test. Mr. Simmons stated: The fire flow test. They received less than 1,000 gallons per minute. The exact amount they would need hasn't been calculated. Mr. Ricciardo questioned: Who would do that calculation? Mr. Simmons stated: The applicants would have to have their professionals

do this calculations and submit them to Mr. Inga. Chairwoman McCabe stated: He can't move forward with this project. This is a very important aspect. Mr. O'Krepky stated: I had a discussion with the applicant prior to the meeting regarding this issue and we do understand the potential risk associated with having a facility that is served by 2 potential fire hydrants. The best one was 960 gallons per minute. There are other ways to improve the system such as surge tanks and pumps on-site without having to construct very expensive needs. Typically this is done prior to the Certificate of Occupancy being issued based upon the interior layout, how much wood is being stored, the layout of the building, insurance tables. Then the fire flow is calculated and a suppression system or improvements will be designed at that time. Mr. Ricciardo questioned: Shouldn't we know if that's what your intent is whether it be putting storage facilities on-site and where they will be located, what size pump is going to be required? Mr. Mack stated: Prior to anything being constructed, yes. This application will meet the Town fire code. If there is anything that requires additional site planning, that will be addressed. On the site there exists room for a surge tank and additional pumps. At this time, I don't know the fire flow requirement so we haven't done that calculation. Mr. Ricciardo stated: You wouldn't be able to determine the size and location of that tank until you do those calculations. This directly affects the site plan. Mr. Mack stated: If something additional is required at that time, then we will have to bring it before the Board. Most like it will be an underground system.

Chairwoman McCabe stated: Mr. Simmons maybe you can describe to the Board everything that's involved with a utility profile so they can make an educated decision on whether to waive that. Ms. Unhoch questioned: What is a surge tank? Mr. Simmons explained the sanitary sewer system, the water main system, the storm drainage and the surge tank.

Chairwoman McCabe stated: I see there were no soil logs done. Mr. Mack stated: That is correct. The reason we are asking for a waiver on them tonight is that there are going to be changes to this application and I did not want to do the soil logs in the wrong location.

Needed to complete application:

Sewer Utilities

Stormwater

Architectural plans from steel building manufacturer

Elevations

Any mechanical equipment is located

Materials and colors

Landscaping, enough sheets for everyone on the Board

Lighting

Water flow

Location

Chairwoman McCabe: I would like it on the record what each members' opinion is on the utility profile landscape waiver. Would you take the roll call they would like to give the waiver. Please indicate a yes if you would like to give a waiver and a no if you would not.

Roll call:

No – Mrs. Fowler, Mr. White, Mr. LeFrois, Ms. Unhoch, Mr. Ricciardo, Ms. Kithcart, Chairwoman McCabe.

The waiver is denied. The other items are incomplete and should be submitted to the staff for review. When complete they will schedule and re-notice after submitting plans and soil logs.

Mr. Simmons requested that if the preliminary calculations are to be done for the fire suppression system Mr. Inga should be in the loop.

Mr. LeFrois questioned: Will traffic flow come through Paterson or all come through Stratford? Mr. Mack stated: That was a requirement of Mr. Inga to have access through Paterson Avenue to Stratford.

Ms. Unhoch made a motion to go into closed session. Mr. Ricciardo second the motion.

Aye: Mrs. Fowler, Mr. White, Mr. LeFrois, Ms. Unhoch, Mr. Ricciardo, Ms. Kithcart, Chairwoman McCabe.

At 8:50 pm Ms. Unhoch made a motion to open session. Second by Mr. Lefrois.

Roll call:

Aye: Mrs. Fowler, Mr. White, Mr. LeFrois, Ms. Unhoch, Mr. Ricciardo, Ms. Kithcart, Chairwoman McCabe.

Chairwoman McCabe opened to floor to the public. With no public coming forward, this portion of the meeting is closed.

Mr. Ricciardo made motion to Adjourn. Ms. Unhoch second the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 9:10 pm. The next regular scheduled meeting will be held on May 21, 2008 at 7:30 pm in the council chambers of the Municipal Building.

Respectfully submitted,



**Katherine Citterbart
Planning Board Secretary**