

**Newton Planning Board  
October 22, 2014 Regular Meeting  
7:00 PM**

The regular meeting of the Newton Planning Board took place on the above date. Vice-Chairman Mr. Marion read the Open Public Meetings Act and requested Mrs. Citterbart to call the roll. Katherine Citterbart, Board Secretary, stated there was a quorum.

**FLAG SALUTE**

**MEMBERS PRESENT:** Mr. Flaherty, Mr. Tharp, Mr. Elvidge, Mr. Flynn, Mr. Russo, Mr. Hardmeyer, Ms. Gill, Vice-Chairman Marion

**EXCUSED:** Ms. Logan, Mr. Steinberg, Mr. Le Frois

**PROFESSIONALS PRESENT:** David Soloway, Esq. of Vogel, Chait, Collins & Schneider, David B. Simmons of Harold Pellow & Associates, Matt Morris of J. Caldwell & Associates

**BOARD SECRETARY:** Katherine Citterbart

**CONSIDERATION OF MINUTES**

**September 17, 2014**

**Mr. Flaherty made a motion to approve the minutes. Mr. Flynn seconded the motion.**

**AYE:** Mr. Flaherty, Mr. Tharp, Mr. Elvidge, Mr. Flynn, Mr. Russo

**HISTORIC RESOLUTIONS**

None

**RESOLUTIONS**

None

**OLD BUSINESS**

**Ordinance 2014-19-** To amend the Code of the Town of Newton by adoption of the revised transect zone map, attachment 1 of Chapter 320, Entitled "Zoning" regarding Block 14.05, Lots 8,9, 10 & 12.

Mr. Morris stated: This is an amendment to the zoning map to add the Block and Lots back to the appropriate zone that they should be.

Mr. Soloway stated: It was the Board's task to review and determine whether it is consistent with the Master Plan and to make the specific finding to that effect. The motion would be the proposed ordinance is not inconsistent with the Master Plan and to authorize the Board Secretary to communicate to the Town Council that the Board made that finding.

Vice-Chairman Marion opened up this portion to the public. With no public coming forward, Vice-Chairman Marion closed this portion.

**Mr. Hardmeyer made a motion that Ordinance 2014-19 is not inconsistent with the Master Plan. Mr. Flaherty seconded the motions.**

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**AYE:** Mr. Flaherty, Mr. Tharp, Mr. Elvidge, Mr. Flynn, Mr. Russo, Mr. Hardmeyer, Ms. Gill, Vice-Chairman Marion

**NEW BUSINESS**

**Julie Richard, LLC (#FSP-08-2014)**  
**Block 18.02, Lots 2, 3, & 18**  
**4 Diller Avenue**

Applicant requesting final site plan approval to permit the renovation of an existing building and construction of a commercial building together with site improvements to be made to a parking area on Lot 2 as well as site improvements on Lot 3.

William Haggerty of Dolan & Dolan represented applicant and stated: At the last meeting, we had some extensive discussion regarding the changes proposed for the Moose Lodge building. Our architect is here tonight to explain the architectural treatment that we would provide for the building. A representative from the Moose Lodge is here tonight to explain the proposed use of the second floor.

**SWORN:** Anthony Guzzo, Partner of Guzzo & Guzzo Architects, LLC, Lyndhurst, NJ, licenses are current in the State of New Jersey.

The Board accepts his qualifications.

Mr. Guzzo referred to P2 dated 9/5/2014- Proposed Floor Plan. He stated: Part of the comments came from the exterior work that is being done in regards to the demolition of the existing building that is attached to it and then the reconstruction and the addition that will fill in the rest of the area. From a dimensional standpoint there has been no increase to the width and the length that was submitted last time. We have a lot of reworking from the interior and exterior elevations. We have a main party room, which was on the plan last time, some new handicap ADA bathroom facilities with a new kitchen, freezer, and cooler. The entry way has been reworked to the westerly side, trying to highlight the entry for the Moose Lodge which is off to the side and also the clinic. The clinic has its own portico entry with two exam rooms and will share the common party space.

Mr. Haggerty questioned Mr. Guzzo's use of the word addition. There is no addition to the building; it is a renovation, correct?

Mr. Guzzo stated: Correct. The footprint will remain the same.

Mr. Guzzo stated: The first floor plan is primarily staying the same. The major changes from the last submission came about on Page 2 and Page 3.

Mr. Hardmeyer asked about the first floor. I notice the clinic has relocated; will it be returning? What is the timeframe for the completion of the construction?

Mr. Guzzo stated: Yes, the clinic will be returning and I don't know exactly what the time frame will be. Depending on the start of construction it should be about 4 months from the start of construction. I just don't know when this is slated to begin.

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Mr. Haggerty stated: We have some conditions to satisfy so we are trying to get things done as quickly as possible.

Mr. Guzzo referred back to Page 2 dated 9/5/2014; we have a proposed 2<sup>nd</sup> floor plan and we wanted to outline that there is some uses going on at the existing portion and with part of the redesign of the exteriors there is some space left over within the roof line. Mr. Guzzo explained the new elevations and some additional changes to add some detail into the building with wood siding, decorative trims, some grilled windows, and some borderline trims around the windows.

Mr. Haggerty asked: What will that face?

Mr. Guzzo stated: This is the opposite elevation of Spring Street so it is facing in towards the new building. It is the same elevation that you have seen before with some new design elements on it. There is existing space under the roof line for future use. The Moose Lodge would have to come back to the Board in order for that space to be utilized.

Mr. Soloway stated: The application assumes that there will be continued use of one office but use of the shaded area on the plan; they would have to come before the Board to recognize that.

Mr. Haggerty stated: Yes, they would. This would provide some storage opportunity for them at the Moose Lodge.

Vice-Chairman Marion asked about the comment on the future exit staircase in the back.

Mr. Guzzo stated: This was added in case this space becomes occupied. I wanted to address any concerns if a fire escape was to be added on later on. If this space did become occupied, they would have to change the first floor.

Vice-Chairman Marion asked: Is there any reason why this can't be incorporated now if it is approved?

Mr. Guzzo stated: Potentially it could be but we really need to explore the impact of this space.

The Board members had questions for Mr. Guzzo on the design.

Mr. Guzzo answered their questions.

Mr. Hardmeyer asked if there could be an awning by the door because it is on the street side and it would make it more attractive.

Mr. Guzzo stated: Yes, we can put an awning on the south side door. For a visual effect we did add a chimney element for exhausting of the kitchen. A split system unit would be mounted in the south side above the ceiling space. A separate unit for floor and ceiling will be put in. A small 3 x 3 condensing unit will be placed outside.

The Board had no further questions for Mr. Guzzo.

Mr. Guzzo provided **Exhibit A-1 Signage Calculations, 10/22/2014**. He stated: We wanted to address J. Caldwell & Associates' letter in response to the identification of the directional sign

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about the uses that are happening within the site. What we tried to do is come up with more of an identification type signage to tie in the building along with the signage and give direction of what will be there. The size of the sign is 6 x 8 wide and 6ft high. It is located along Spring Street but it could be located on either side of the driveway depending on where the Board might want it. It gives direction and identifies the buildings that are on site.

Mr. Soloway asked: Does the sign comply with all the ordinance requirements in terms of dimensions?

Mr. Guzzo stated: I believe it does. Again from a dimensional standpoint what we are trying to achieve is to display a legible sign. We want it to be visible enough and not too small. The concern I would have is I know that there are some right-a-way issues.

Mr. Soloway stated: I would suggest to the Board that if the Board does approve the sign as part of any final site plan approval it would have to be on the stipulation that it conforms to all ordinance requirements because if it varies they haven't noticed for this meeting so they can't get a variance for anything tonight.

Mr. Guzzo stated: We understand that and we will follow up with all those requirements. We put this together as quickly as we could to address those comments. We wanted to give you an idea of what we were proposing. Mr. Guzzo stated: It will be constructed out of 2 brick piers, flanked on either side. The piers will match the brick work on the site. We will be putting plaques on the sign. We are proposing it to be a two sided sign so it will be visible from both sides of the street. There will be individual letters placed on the plaques. It will not be internally illuminated. The sign will be located by the driveway entrance along Spring Street.

Discussion ensued on the sign location.

Mr. Guzzo agreed that they could move them to allow for better visibility.

Vice-Chairman Marion asked: The only two signs on the building will be a sign for the Moose Lodge and the Clinic?

Mr. Guzzo stated: Yes.

Vice-Chairman Marion opened this portion of the meeting up to the public. With no public coming forward Vice-Chairman Marion closed the public portion.

Mr. Tharp asked about the sidewalk, as it was not shown on the plan.

Mr. Soloway stated: The sidewalk will be added as a condition to preliminary.

Vice-Chairman Marion asked if the sign will be lit on both sides from the ground up.

Mr. Guzzo stated: Yes.

Mr. Haggerty introduced the engineer Daniel Davies

**SWORN:** Daniel Davies of Golden & Moran. My licenses are up to date.

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Mr. Davies reviewed the changes that have taken place since the last meeting, and stated that since the last meeting, Diller Avenue has been repaved. After the Planning Board meeting we proceeded with the service connections for both the proposed building pad and the future pad. Now we have to do some grading changes on the plans to raise the pads to allow for sufficient coverage of the gas lines. We had a conflict with the gas main so we had to go over it and had to raise the pads. It did not impact the Moose Lodge, the parking or the dumpster location. Based on discussions with the engineer and the planner some items are not on the plans but can be dealt with by the Board. The most significant would be the inclusion of the placement of the bike path which is going to run in front of the buildings that face into the parking area. These plans do not show that placement but I am confident it will accommodate the dimensions of the path. Signage is going to be last minute due to the entrance where the lot lines are.

Mr. Davies stated the service connections are shown on these plans and continued to describe the plan.

Mr. Haggerty asked if there are any other amendments to the plan in response to the planner & engineer's comments. I note the easement areas on the roadways are depicted in terms of dedications.

Mr. Davies stated: Yes, there was the right -a- way that was previously depicted. There were some bearing distance changes that we changed to accommodate two different bearing coordinate systems but they can easily be corrected, the sidewalk along Diller Avenue can easily be corrected, working with the Planner on where to put the benches, lighting separation and the landscaping can all be addressed.

Mr. Davies referred to Lighting, Sheet 5, and he described the lighting. He stated this this has not changed since the last submission. We will be following the same design that is on Spring Street currently.

Mr. Haggerty stated: The reports from J. Caldwell & Associates, LLC dated October 17, 2014 and David Simmons dated October 17, 2014. Mr. Simmons report had comments on the bearing distances and they will be resolved and the plans will be consistent throughout. We will abide by his concerns and make the appropriate changes to accommodate that so that they are consistent.

Mr. Simmons stated: I would like to make a suggestion and a lot of my comments from my report of October 17, 2014 have been addressed. For the record, I would like to address under Minor Subdivision, those items on Pages 2, 3 & 4 that are mainly surveying issues that need to be resolved. Under Site Plan, we get into some of the cross easements and the various deeds on the various lots. As Mr. Haggerty stated there are quite a few of them. Those are items that need to get resolved in combination with the bearings and distances on the maps because of the Metes and Bounds descriptions involved and also from the legal standpoints representing all the different easements to Mr. Soloway's satisfaction including the dumpsters and the various functions that were included in previous deeds. With regards to the bike path, they have shown the easement that we provided them with the details from the bike path and it is proposed to be 8 feet wide, 2 inches of asphalt, 4 inches of dense graded aggregate and the appropriate bicycle path symbols in accordance with guidelines for bike paths. We will need an additional site plan for the 2<sup>nd</sup> floor of the Moose Lodge before they occupy it. The utilities need to be shown. The applicant's consultant can work with Water & Sewer to get that done. It was mentioned that the grades were raised on the pad and the handicap ramp was added to the

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proposed unemployment office. I believe it was raised 2 ½ feet. It was raised from 101 to 103.5. This was done to provide coverage over the sanitary sewer system based on the as-built plans. They still need to show sufficient lighting along Diller Avenue. I want to confirm that the Town is not paying for the electric bill from the existing aerial electric line that runs along the westerly side of the proposed parking lot on Lot 2. With regards to signage Mr. Davies and I have had a conversation and I suggested he bring something to the Board and he did so I thank him for that. I do have some concerns with checking this with regards to the proposed storm drainage, existing underground utilities which there are a lot in that area and again not to block the site distance. I need to check the code to make sure there is no off-set requirement that the applicant may not be meeting from the right-a-way line. If they are in the right-a-way, than that is not allowed. Worst case scenario if for some reason they cannot meet the off-set requirements, they would have to come back for a variance for that.

Mr. Soloway stated: If the Board is so inclined to approve the signage in accordance with the exhibit, I would suggest it should be subject to subsequent approval of Mr. Simmons and Ms. Caldwell as to compliance with all ordinance requirements because they have not had an opportunity to check it for the exact location.

Mr. Simmons continued with the Architectural. He stated he feels the applicant went a long way in addressing some of the concerns heard that the Board mentioned before. I want to suggest when it comes to the Moose Lodge to put the compressor on a 3 x 3 pad and stipulate that it won't be on the lower Spring Street side; it will be on the side towards the unemployment office.

Mr. Davies stated: Yes, that is where we propose it to be.

Mr. Simmons continued and stated: The applicant needs to satisfy the various agencies that were on Page 7 of his report and an as-built plan prepared by a New Jersey licensed land surveyor to be provided.

Mr. Elvidge asked: The parking lot from right to left as far as drainage is concerned, there are bumps outs every 10 spaces, how will the drainage be handled to deal with the bump outs?

Mr. Simmons stated: Where the bump outs are the grades are set up so that the curb line slopes back towards the parking lot so that the water does not get trapped and will run down to lower Spring Street.

Mr. Davies stated: Today the whole parking lot does drain to a single inlet so by putting one additional inlet further upstream actually will improve what is happening.

Discussion ensued on the drainage.

Mr. Hardmeyer asked if there will be any underground drainage.

Mr. Davies stated: No, there is no stormwater management proposal because based on previous testimony and calculations shown we are showing reduction in water.

Mr. Hardmeyer asked Mr. Simmons: didn't we do something underground for Thorlabs and this is a similar project.

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Mr. Simmons stated: Yes, they do have underground tanks. They did not want to have an open retention basin because they wanted to utilize as much of the property as parking as they could. The Moose Lodge is a little different because you have existing buildings and existing pavement and if you go out to Lot 2 it had so many coats of oil and stone, it has been impervious all this time.

Mr. Hardmeyer asked: Do you think downstream of Lower Spring Street where this whole system will discard into, the drainage ditch that is right next to the proposed rail bed, do you feel that ditch is going to be better or worse as a result of this?

Mr. Davies stated: No worse than it is today.

Mr. Simmons agreed on it based on the calculations.

Mr. Simmons stated: It should be noted that Ms. Caldwell also prepared a report dated October 17, 2014 and contains a number of recommendations. Does the applicant have an issue with any of the comments?

Mr. Haggerty stated: We do not have any issues with any of the comments in her report.

Mr. Soloway stated: There is reference on the plan as to a variance for Lot 3.03 and Mr. Simmons references it on one set and Ms. Caldwell on the other, they will be removed from the site plan and the subdivision plans and I would add that the site plan continues to show the pad on 3.03 and that should also be removed.

Mr. Haggerty stated: The Board was very clear at the hearing of the preliminary approval and the applicants have tried to be very clear too. That was done for illustration purposes and there is no current prospect for use of that site and any further use of that site would require an application from the Board.

Chairman Marion wanted to know if the lighting in the back will be adequate at night.

Mr. Guzzo stated that the portico fixtures will have lighting in them. We don't anticipate any deliveries at night.

Mr. Flaherty asked: So the people using the Moose Lodge will have to cross over the parking lot?

Mr. Davies stated: Yes. We have gone back and forth many times on the actual location of this.

Mr. Flaherty stated: My real concern would be that there should be some kind of signage for pedestrian's crossing over.

Mr. Davies stated: The bike path will have its own signage. It will be black and white so it will be very clear.

Discussion ensued on the construction of the bike path.

Mr. Hardmeyer asked Mr. Soloway about a comment on Page 4, 3b.

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Mr. Soloway stated: They are going to remove the pad and they can't develop that lot beyond what has been specifically approved already which is for the dumpster enclosure in one area without getting site plan approval so that is covered by preliminary approval.

Vice-Chairman opened up this portion to the public. With no public coming forward Vice-Chairman Marion closed this portion.

Mr. Flaherty asked: The pad that will be outside the building for the HVAC will that be screened for the Moose Lodge?

Vice-Chairman Marion asked: Mr. Simmons you were talking about putting it along the side of the building. Wouldn't it be better located on the back corner because of the walk path trying to keep it out of the way of pedestrians?

Mr. Simmons stated: My concern was that it wasn't on the east side of the building which is Lower Spring Street because there is not a lot of room there and I got the impression the most appropriate place would be between the left or west side of the Moose Lodge.

Mr. Guzzo showed on the map where the best location was. It can be screened but primarily we want air flow. We can put some light screening or plantings around it.

Mr. Soloway stated: The resolution granting approval is that the condenser be on a ground-mounted pad approximately 36 inches high on the Diller Avenue side of the building and screened landscaping to the satisfaction of the Town Engineer.

Mr. Guzzo stated: I think that is the best location for that.

Mr. Hardmeyer stated: I would like to see the landscaping plan discussed and signed and signed by a landscape architect. I don't see that. Also Ms. Caldwell mentioned something about landscaping and I don't see that they have been addressed.

Mr. Haggerty asked Mr. Davies to go through Ms. Caldwell's comments on the landscaping plan that is included on the plot.

Mr. Davies stated: Ms. Caldwell wants to know the position of the benches and the plans for landscaping. Mr. Golden did address her comments and I believe she was satisfied with that discussion and like I said we did address Diller Avenue and how to dress it up.

Discussion ensued on the bench position and the back of the building.

Mr. Flynn asked: Why are we requesting benches anyway?

Mr. Soloway stated: As part of the preliminary approval if that area was subject to a variance because it did not comply with the setback requirements. Under the new ordinance everything is set up to suit Spring Street better for having pedestrians walk along and look in windows and sit on benches, the odd thing about this property is that the front of the building is in the back and vice versa so what the applicant proposed instead of complying with the setback and moving the building much closer to the road, they would keep the building closer to the parking lot where it is accessible to everyone that is using it and they would fill the space in between the rear of the building (which is the front yard) with a lawn area and benches. At the time of preliminary that was left without detail and it was subject to the approval of the Town Planner

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and the Town Engineer and that still has not been designed yet. That was the basic idea of the whole thing.

Mr. Flynn stated: I really think benches are not needed. Who is going to use them?

Mr. Haggerty stated: I think that is a valid point. The planner recommended for this zone there would be more pedestrian traffic with retail or business but the front of these buildings is in a parking area so these buildings are not going to attract pedestrian traffic on Diller.

Mr. Soloway stated: Mr. Simmons informs me that the ordinance does require benches and if that is the case, again because this meeting was not noticed you really can't change that tonight. So you have to keep the benches.

Mr. Davies stated: On Lower Spring Street we are proposing a little grass strip, a few benches and ornamental lighting and there is no continuation.

Mr. Flynn stated: I would like to request that the Planner request that the benches are facing each other in lieu of the road.

Mr. Soloway stated: We can put a condition in the resolution assuming you approve this tonight that in reviewing that area the planner consider reorienting the benches so that they will face each other and be perpendicular to the roadway.

Vice-Chairman Marion opened up this portion of the meeting to the public. With no public coming forward he closed this portion.

Mr. Soloway crafted a motion. The motion would be to grant final site plan approval and as conditions in addition to continuing compliance with the conditions of preliminary that there be grill work to be added to the 2<sup>nd</sup> floor windows on the north, south, and west elevations to the satisfaction of Mr. Simmons and Ms. Caldwell, that the applicant incorporates paneling and decorative features to the door on the southerly side to the satisfaction of Ms. Caldwell and Mr. Simmons, that the sign be approved subject to the approval of Ms. Caldwell and Mr. Simmons as to compliance with all applicable ordinance requirements as to the exact location, in addition to what is shown on Exhibit A1, the sign will be grounded and lit on both sides, it is intended to be located in the vicinity of the driveway entrance along the Spring Street side, will not obstruct any site triangles, a solid piece that the plaques are set on will have more visibility for them, you will be adding the sidewalk to the revised site plans to avoid any inconsistencies with the architectural plans, comply with all recommendations set forth in the October 17, 2014 reports of Mr. Simmons and Ms. Caldwell. You will get rid of the pad on the site plan on Lot 3.03, you will request curbing and striping for the dumpster enclosure to the satisfaction of Mr. Simmons. The Moose Lodge will need to return to the Board for site plan or waiver of site plan as it may be required in the event any additional use beyond the one office and storage is proposed for the 2<sup>nd</sup> floor of the building. On the benches Ms. Caldwell is directed to consider when reviewing the plan whether it might not be improved to have the benches be perpendicular to the road way facing each other.

Mr. Simmons stated: Soffit lights to be provided for the sidewalk lighting on the Moose Lodge.

Mr. Simmons asked: I don't think this has been brought up before but are there any generators being proposed?

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Mr. Simmons stated: That was mentioned in preliminary.

Mr. Russo stated: The answer was no.

Mr. Soloway stated: The landscaping is a carryover from preliminary. Site Plan will be revised to provide for the landscaped area, with the benches as we discussed between the sidewalks and the building, site plans need to show street furniture along Diller, survey of existing trees needs to be proposed for removal.

**Mr. Flaherty made a motion as outlined by Mr. Soloway's motion. Mr. Flynn seconded the motion.**

**AYE:** Mr. Flaherty, Mr. Tharp, Mr. Elvidge, Mr. Flynn, Mr. Russo, Mr. Hardmeyer, Ms. Gill, Vice-Chairman Marion

**CORRESPONDENCE**

The New Jersey Planner – Vol. 75, No. 4 – July/August 2014 was given to the Board members.

**EXECUTIVE SESSION**

NONE

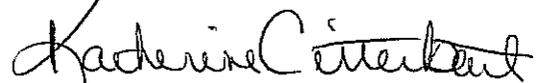
**PUBLIC PORTION**

NONE

**ADJOURNMENT**

**Mr. Flaherty made a motion to adjourn the meeting. Mr. Tharp seconded the motion. The meeting was adjourned at 8:46 PM with a unanimous "aye" vote.** The next regularly scheduled meeting will be held on November 13, 2014 at 7:00 PM in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart  
Planning Board Secretary

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**Exhibit Page**

**Exhibit A-1 Signage Calculations, 10/22/2014**