

TOWN OF NEWTON  
PLANNING BOARD  
JUNE 17, 2015  
MINUTES

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

**SALUTE TO THE FLAG:** was recited.

**ADMINISTRATION OF OATHS:** None

**ROLL CALL:** was taken

Attendance: Mr. Flaherty, Mr. Marion, Mr. Russo, Mr. Hardmeyer, Mr. Ricciardo, Mr. Hemschof, Mrs. Le Frois, Mr. Le Frois

Excused: Mr. Flynn, Mr. Elvidge

Professionals Present: Tom Molica, Esq., of Vogel, Chait & Schneider, Board Attorney; Jessica Caldwell, of J. Caldwell & Associates, Board Planner; David Simmons, of Harold Pellow & Associates, Board Engineer.

**THE SUNSHINE STATEMENT:** was read.

**CONSIDERATION OF MINUTES**

May 20, 2015

A motion was made by Mr. Ricciardo and seconded by Mrs. Le Frois to approve the May 20, 2015 minutes with correction on page 7.

**AYE:** Mr. Flaherty, Mr. Hardmeyer, Mr. Ricciardo, Mr. Hemschof, Mrs. Le Frois, Mr. Le Frois

**Abstained:** Mr. Marion, Mr. Russo,

The motion was carried.

**HISTORIC RESOLUTIONS**

None

**RESOLUTIONS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

Newton Dunkin Donuts (PFSPV-04-2014)  
65 Sparta Avenue  
Block 18.02, Lot: 16 T5 Zone

The applicant is requesting preliminary & final site plan approval with variances to raze the existing convenience store and construct a newly configured parking lot and Dunkin Donuts with a drive-thru.

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Bernd Helefe, Esq. represented the applicant, Newton Donuts, Inc.

Witnesses sworn in – Raji Dharia, Business owner; Gary Trullio, Architect; Gary Dean, Traffic Engineer; Bernd Helefe, Esq.; Daniel Davies, Engineer, of Golden & Moran

Mr. Helefe stated that the applicant is proposing to raze the current building which is a convenience store on the property and build a modern facility to house a Dunkin Donuts. It is located in the T-5 zone. The Merriam-Gateway Redevelopment Ordinance applies to it.

Mr. Helefe stated history of the site. It was owned by Shotmeyer Oil and was a gas station and then it became and currently is a convenience store. Shotmeyer Oil completed some environmental remediation at that property but they're still responsible for monitoring that, but the actual remediation has been completed at that property. So that, by way of background, you should know that the environmental has been dealt with to the point where it's not going to impact the redevelopment of the property. Also by way of background, the Redevelopment Ordinance did not allow for this use because it was calling for a mixed use structure and we are a single use. We were at the Town Council at the end of last year requesting a modification to the Redevelopment Ordinance that would actually allow this Dunkin Donuts redevelopment of this property. The Council saw it our way and amended the ordinance which allows for singular use and paved the way for us to be before you tonight on this application.

Mr. Helefe continued: We are proposing a 2000 sq. ft. Dunkin Donuts. It is a conforming use on a conforming lot. The Dunkin Donuts will operate from 5AM to 11PM. The day time shift has 5 employees and the evening shift has 4 employees. We met on May 20, 2015 with the Technical Review Committee (hereinafter "TRC") and it was deemed complete. The TRC had comments and suggestions which we've incorporated into our plans. We've received review letters from Jessica Caldwell and Dave Simmons and we've reviewed them in depth and believe we will be able to comply with and address all of the items that have been set forth in those two letters. We've submitted the application to the County and we believe we won't encounter any issues with their approval.

Mr. Davies gave his background and stated that he is a currently licensed engineer in the State of NJ. The Board accepted Mr. Davies credentials. This project is on the site of Sparta Avenue between Merriam Gateway Apartments, the Department of Motor Vehicles (hereinafter "DMV") building, and across the street from Thor Labs. It's approximately ½ an acre and it is 70% impervious coverage with front yard parking and is a 1600 sq. ft. single-story Quickie Mart. Our proposed project is a 2045 sq. ft. Dunkin Donuts with a drive-thru and a by-pass with entry from Sparta Avenue and exiting on the side by Railroad Avenue. Mr. Davies discussed (showing the Board) the circulation and explained how the process works to the drive-thru. The existing pylon sign, at lower left of the property, is similar in size to what we have proposed for the Dunkin Donuts sign replacement. We have talked about using the existing pole, just switching the lettering. Parking lot is at the rear. There is 1-ft strip of grass.

Mr. Davies continued: presently the site is about 70% impervious coverage with the bulk of landscaping on the property, all open space, in the rear of the property that borders onto Merriam-Gateway Apartments; there is a parking lot at the rear and there is a grass strip. Parking extends right up to the sidewalk of the County Roadway. I believe there is a 1 ft. strip of grass between the two. There is no curb; very hard to differentiate the uses.

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What we have done is maintained the building which is set back similar to the current Quickie Mart building and introduced landscaping to the front of the property and to the side to the greatest extent that we can to accommodate the parking requirements that the ordinance requires and our plant a tree requesting. We only require 7 spaces based on the amount of seating that we have but based on input from our client and the operation of his facility in Byram there is a big parking requirement similar to the Newton store out-of-town where some people do want to walk-in, use the facilities, pick up something to munch on, so we opted for maximum parking on the side (showing the Board). Originally, we did have three additional spaces directly across from the loading area. During the TRC meeting these were eliminated because there was a risk of conflict of a car and a truck and people going against the flow of traffic coming off Sparta Avenue. So those were eliminated and additional landscaping added.

Mr. Davies continued: basically, you come off Sparta Avenue and enter under Railroad Avenue. That is the circulation. You come to the right, go through the drive-thru, you can by-pass if the lines too long, there's parking on the left, and it meets all traditional parking codes for the ordinance; 9 x 18, 24 ft. aisle. We have sidewalk in the front. There's no other sidewalk around either the side or the rear of the building because where the loading is we don't want pedestrians or anybody getting there so we're not introducing traffic to that area, and around the back of the property where we obviously have the drive-thru and the by-pass we don't want any particular conflict of pedestrians and vehicles. Presently we do not have any sidewalk proposed along Railroad Avenue. There was a comment in the report of the professionals requesting that. There is a gray differential from the front of the property to the back of the property on this particular frontage of Railroad so it would require potentially some reconfiguration. But we think we can put a small wall and accommodate that request if it's still required.

Mr. Helefe stated to Mr. Davies, let's talk about the alternatives and the trade-offs in terms of the DMV.

Mr. Davies replied: The DMV is right over here (shows the Board). The building has two entrances. Parking in this area can be pretty hectic. They do have a sidewalk to a handicap ramp right at the front of their lot which is the back of ours. It's a heavy traffic area; there are a lot of apartments. There is an existing sidewalk that would be on the western side of Railroad Avenue which is right along the DMV property. If you travel south on this down Sparta Avenue we allow this sidewalk with a pedestrian crossing allowing pedestrian traffic to walk through the center of our site, almost up the spine of the site which is separating the drive-thru from the regular parking, and that was a comment that came through the TRC. And that's how we think would be the best way to accommodate the amount of cars going through the drive-thru without introducing that sidewalk to that side. But again if the professionals involved believe that is what they'd like to see, we can accommodate it.

Mr. Helefe stated: The question for the Board is, we can put the sidewalk in, but if we put it in we think that it will be an attractive nuisance for people to be coming across the street from the other sidewalk and we have cars coming out of there. We think it makes more sense to keep the pedestrians on the other side of the street where there is already a working sidewalk rather than having them come across the street.

Mr. Flaherty stated: People are going to cut across there. I think you need a cross walk there and a sidewalk on the other side.

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Mr. Helefe: That's the question. What are they going to do and how do we implement it as safely as possible? Do we want to keep them away from our exit in terms of a sidewalk and have them walk down the otherside and across?

Mr. Flaherty: How are you controlling the traffic coming out and making a left to Sparta Avenue?

Mr. Le Frois suggested letting Mr. Daniels finish and then open to public and move to traffic engineer.

Mr. Davies continued: There are stop bars and stop signs immediately after drive-thru window; and another stop and signage before coming onto Railroad Avenue. There is a dumpster located to the right hand corner of rear property. And there is a short wall in the back, and a fence.

Regarding grading and drainage – the existing is 70% impervious. With new improvements it is going to be about 80% which is a 10% increase. We are planning to take the roof top ariel, direct that to ground rules, locate the parking areas that were originally located in the landspace areas. There were concerns about that influencing landscape so we took that and put it into the impervious areas. That would be fed by roof leaders. By doing that in combination with the three dry wells that we now propose will bring down the proposed run off to the existing conditions. We are not planning on changing existing flow patterns. There is no existing stormwater management facility onsite, there are no inlets. Everything just sheets across the County roadway. We are proposing to maintain that. Along the edging of our curved areas fronting onto Sparta Avenue we have a several foot wide gravel strip that will be acting as an energy dissipater for any sheet buildup that will be coming. It will slow that water down, not creating any icing situation.

The grading is consistent with what's out there today. There is additional grading towards the exit because of the grade differential; I believe right now it is about a 2 foot difference, we had to pick up the back corner of the site to allow us to get out. All slopes do not exceed 5% across the whole parking lot which we believe is more than adequate for people to park their cars and get out safely without hitting their neighbors cars and also to exit onto Railroad Avenue.

Moving on to the lighting and landscaping plan. We had comments from both professionals on the landscaping component which we can address after our reports. It's a small site; like a postage stamp and by putting in the by-pass lane, it was requested by our client and the professionals to put the by-pass which reduced landscaping that we could put on the site. Another TRC comment was regarding the loading area. Could it provide employee parking and double up as a maneuverability zone for a larger truck to bring supplies/deliveries. Since talking to our client it's been indicated that a box type truck will be more in line with deliveries. By eliminating 3 spaces on the front it opened up the front for more landscaping options. It allowed us to show lighting on the four corners of the lot. The architect will let us know if we can supplement with lighting on the building. We have landscaping around the perimeter of the building. There's a grass area between the handicap space and the building. There are some shrubs to delineate the two different uses. There is no outdoor seating or picnic area proposed in the landscaped area. Along the frontage we do have some shade trees in the lower left. We have some moderate sized shrubs around the inner section. There are some concerns about putting more landscaping in the front yard which we need to work with the professionals. Merriam Gateway Apartments immediately to our east has very limited sight distance when you're looking east down Sparta Avenue. You really have to encroach in to the right of way to see around that. We left the landscaping back a bit. That seems to work. We did provide a

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privacy fence between the apartments and Dunkin Donuts. There is a stockade fence around the dumpster area. There are existing trees along the back but it is pretty much a parking lot up the back. That is the bulk of the project.

**PUBLIC PORTION**

Ralph Porter – 12 Pine Street Newton – How many cars will fit in the driveway from Sparta Avenue to the menu board?

Mr. Davies: That is a question for the traffic expert.

With no more public stepping forward, this portion of the meeting was closed.

Mr. Hardmeyer asked for further explanation on where the fencing is going.

Mr. Davies stated: Looking at 3/7 we have proposed a 6 ft. stockade fence to a board-on-board fence that goes from the corner of the dumpster and inline to the curb of property.

Mr. Hardmeyer asked: Will that block headlights from shining into apartments?

Mr. Davies: Yes, it should. He proceeded to explain how and referenced the aerial photo. The site is perpendicular and eschewed.

Mr. Hardmeyer asked: Where is the menu board? Will the sound from the menu board loud speaker be going through to the apartment complex?

Mr. Davies replied: The menu board is right next to the ramp where you come up to the loading zone and there is a grass island separating the drive-thru and the loading area. Right in there is where the menu board will be.

Mr. Helefe stated: The fence will reduce the sound to a large degree or stop it completely. The fence will also stop the apartment cars from shining into the Dunkin Donuts lot. It will serve us and them well and will address the sound issue.

Mr. Ricciardo: You talked about delivery trucks. Dunkin Donuts delivers in tractor trailers.

Mr. Helefe stated: You can specifically request that there are no tractor trailer deliveries at this location. Nothing at this site will be delivered by tractor trailers.

Mr. Ricciardo asked why is there a depressed curb at the side closest to Merriam Gateway?

Mr. Davies stated: To follow the existing drainage path. We are not collecting or containing anything from the site.

Mr. Ricciardo stated that because it is an existing condition, it doesn't mean we should maintain it.

Mr. Davies stated: The gravel strip should slow it down and take a lot of the energy out of it especially this area with the grass. It should slow it down further. I believe we are improving the delivery of storm water to the County road by slowing it down through these measures. Whereas, before there was a sidewalk and every time it rains it was just sheeting off.

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Mr. Ricciardo had a question on the remediation that is being complete. If it is going into a dry well that is going to be dissipated into the earth around it, how does it affect the monitoring system?

Mr. Helefe: It's not going to affect it at all. It's just water. The only monitoring going on is across the street. The site is completely done and clean.

Mr. Ricciardo asked when was the remediation going to be closed?

Mr. Helefe: They are down to a CEA. They are going to continue to monitor this piece of property as it naturally attenuates and at some point in time it will reach a level that is sufficient and then it will be closed.

Mr. Ricciardo: Is there any baking being done on the premises for satellites?

Mr. Rajiv Dhria –business owner/operator: No baking will be done on the premises.

Mr. Ricciardo: Why did you choose to go with dry wells and minimal amount of grass to absorb the water instead of tapping in to the storm drain creating a trench drain at the end of the entrance?

Mr. Davies replied: We chose to maintain existing patterns. We do a point discharge from our property.

Mr. Hardmeyer: Is the delivery coordinated with other stores?

Mr. Helefe: You can order it for delivery off peak times.

Mr. Hardmeyer: What are peak times?

Mr. Helefe: Depends on the busiest time of the day. We wouldn't order deliveries during those times. The traffic engineer can address this also.

Mr. Hardmeyer: What is the snow removal plan?

Mr. Davies: Due to the loss of parking spaces we now have a place to put snow. Right in the front of our property we have an area that's approximately 20 x 40 ft. in which to put our first helping of snow. We would then have to contract to have it removed from the site.

Mr. Helefe: We have substantial excess parking from the municipal requirement. So that can be used for snow.

Mr. Marion questioned how the delivery truck would pull in?

Mr. Davies: We did not present a truck feed on this plan. But he will come into the site, the driveway entrance is 26 ½ ft wide. Come off Sparta Avenue and pull into the left. Back the truck up into it's place. There is a 15 foot curb return which is sufficient for a box truck to back up in. The aisle is 24 ft wide in the loading area. To exit, drive forward and around the side. It will be sufficient for the truck to turn around. The intent is to have the circulation.

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Mr. Marion stated: I can see someone pulling in and not looking and the truck backing up and there's going to be an accident.

Mr. Davies stated: There will probably always be some level of interaction. But we can mitigate it by scheduling deliveries for off peak times.

No further questions for Mr. Davies

Frank Trullio is sworn in and stated his background and is currently licensed in the State of NJ. He testified and appeared with Dunkin Donuts on North Park Drive. The Board accepted Mr. Trullio's credentials.

Mr. Helefe requested Mr. Trullio to describe to the Board the layout and materials for the building.

**Mr. Helefe entered Exhibit A-1, dated 6/17/2015 – Palmetto Bricks; and Exhibit A-2, Glen Gary Brick dated 6/17/2015**

Mr. Trullio stated – the building is a unique building to Dunkin Donuts. It has a red slightly brown brick to go with the surrounding buildings. The concrete block base will be dark brown. It is a split face CMU. The tallest part of the building is 21 feet 6 inches. The building is 5 feet taller than a standard Dunkin Donuts. In the monolith area the horizontals give it the look of clapboard. The walk-in box will be painted to match the building (medium brown).

Mr. Helefe: What about the signage?

Mr. Trullio: At the corner of the intersection of Railroad and Sparta I have the monoliths. Picture driving up and you'll see the corner of the building at its highest. I put signs on each side and think it creates a nice balance to the building and symmetry. And there's no pink D on the door handle.

Mr. Helefe: Let's talk about the existing pylon sign and how we are going to utilize that.

Mr. Trullio: We could keep the existing pylon sign in the overall square footage and reface it with the Dunkin Donuts colored logo if the Board deems this necessary.

Mr. Le Frois asked: Has any research been performed to determine the adequacy of the foundation and the pole itself as far as deterioration?

Mr. Trullio: The sign vendor will need to submit to the building department the necessary details and foundation to verify that the foundation is suitable, but we are not increasing the overall area of the sign and assume the foundation would be adequate.

Mr. Simmons stated: Based on the site plan it looks to me like the existing pylon sign is actually in the right-of-way of Railroad Avenue, so it's not even on the applicant's property.

Mr. Flaherty: Maybe there is adequate signage without the pylon.

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Mr. Truillio asked: Would the Board be amenable to a monument sign of some sort. Because approaching the Dunkin Donuts from the apartments you don't have clear visibility in that direction, coming from the DMV you do. So we'd like some kind of sign presence on the street.

Mr. Helefe: The pylon sign or monument sign is important to see that it is Dunkin Donuts and pull in instead of pulling into Railroad Avenue. Once they turn into Railroad Avenue there is no way to get into Dunkin Donuts.

Mr. Le Frois: That was a question I had regarding signage. Sometimes with one-way entrances and exits there's a little trailblazer that's in advance of the driveway. It might be a little Dunkin Donuts logo that says entrance only or something like that. It could be in the front just before the driveway so they know to turn in there.

Mr. Helefe: It might be good to be illuminated.

Mr. Ricciardo: You could put one also between the foundation and the pole; relocating the foundation and the pole and putting a sign on that pole and take the pylon itself out of the right-of-way. How far back is the right of way, David?

Mr. Simmons: It looks like about 2-3 feet.

Mr. Helefe: We have no problem putting the sign on our property. What's important to us is because the building is set back and is difficult to see we are going to need a substantial sign here; a pylon or monument sign. It's important from a safety point of view that the customers see the sign and where to pull in.

Mr. Truillio stated that this would give sufficient time for the customers to react and make it into the property. I recommend we relocate it out of the right-of-way but keep it in the landscaped area.

Mr. Marion: Some Dunkin Donuts have a flexible pole with a 10 foot banner; a vertical banner.

Ms. Caldwell stated that they are not permitted by our ordinance. Don't buy the flags. Not permitted even for a grand opening.

Mr. Ricciardo stated: You have four different materials on the outside of that building including fiberglass, aluminum make five. You have split face cm use big block, brick either red and brown or red; you have the efis and the clapboard.

Mr. Truillio: Typically the Dunkin Donuts would have two materials – efis, the synthetic stucco and fiber cement board. We have four materials. We are trying to blend it in with the surrounding brick buildings.

Mrs. Le Frois: Is there an overhang at the drive – thru window and what is the height?

Mr. Truillio: Yes. The height is 9 feet and it extends 4 feet out.

Mrs. Le Frois: Is there going to be a height bar?

Mr. Truillio: Yes. There will be a height bar at the entrance to the drive-thru lane.

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Mr. Helefe: Let's talk about the lighting.

Mr. Truillio: We had omitted the building lighting. I have four black industrial looking wall sconces. Three facing railroad Avenue; five facing Sparta Avenue. These are cone shaped to illuminate the walkway and the entrance. We also have them at the drive-thru pick up. You would not see the light source unless you were underneath them.

Discussion ensued on softening the brick wall. Maybe faux windows or additional landscaping, i.e. shrubbery? Maybe a table?

Mr. Le Frois stated he would leave that up to the operator. We need to be careful.

Mr. Truillio continued: Regarding mechanical equipment it will be the same as the Dunkin Donuts on North Park Drive. He raised the external walls about four feet above the roof line. We have two air conditioning units that will be sitting on the roof about four feet high. They are the same height as the cornice. We are not putting the compressors on the walk-in box. We are putting them on the main roof behind the parapet. So you will not see any roof top equipment.

Mr. Le Frois: Are there provisions for sound dampening in the enclosures of mechanical equipment to make sure it's not too loud?

Mr. Truillio: The units these days are smaller and quieter and he doesn't anticipate the noise being a problem. The parapet around it will help block the sound.

Mr. Helefe: Please discuss the green building standards of Dunkin Donuts.

Mr. Truillio: High efficiency a/c units, all facilities will have infrared sensors so the lights will turn off after a person has left, low flow toilets. The building will have insulation, double-pane insulation, roof insulation, and wall insulation to building code.

**Opened to public**

No public stepping forward, this portion of the meeting was closed.

Gary Dean from Dolan & Dean, a Traffic expert, gave his background and stated that he is currently a licensed professional engineer specializing in traffic engineering. He has worked on at least 75 Dunkin Donuts locations around NJ. The overwhelming majority of sites feature drive-thru windows.

The convenience store on the site and the improvements are similar. The current building is closer to Sparta Avenue and we are using the same driveway but converting it to ingress only. All the exiting traffic will proceed to Railroad Avenue.

The curb cut opening on Sparta Avenue will remain unchanged and we need to satisfy the County with whatever requirements they have. So with the history of development activity on the site, the real issue is whether the Dunkin Donuts is going to be materially different than any convenience store. The one located there presently is not the most vital but a Quick Check or 7/11 might be busier. Dunkin Donuts will be busy in the morning. We estimate that the traffic will be about 100 vehicles per hour. It's not what I would characterize as excessively busy and

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because Dunkin Donuts in particular captures what we call passerby traffic, people going to and from work in the morning. They generate traffic but it's not new traffic. To that end you'll note that the design, which is one of the best I've seen, keeps the parking in the front so it's visible. It features the drive-thru to the rear of the building away from the entrance which allows for maximum stacking going around the site. It allows for discharge in a linear fashion. It means that the parking lot is unaffected by drive-thru traffic. This should become the prototype layout. This site allows 9 vehicles to be stacked all the way to the drive-thru. The one on Rte. 206, which is very busy, is a 10. Dunkin Donuts standard is 6. My recommendation is 8. We have 9. My recommendation comes from watching Dunkin Donuts and their operation. When a customer gets to a line with 8 vehicles the customer will park and go in.

There is some discussion about connectivity between DMV and the site. I'll give my recommendation which I believe is the simplest. You'll notice at the NE corner of DMV there's a sidewalk and handicap apron that has already been provided. My thought would be to provide connectivity directly across Railroad, across the driveway at the stop mark, and then provide connectivity directly along the left side of the building. We can work with Mr. Simmons to accommodate your demands. Site distance is not an issue. Mr. Simmon's report has a request to impose a site triangle easement and there is no objection to that. Dunkin Donuts does about 2/3 of its traffic from 6am to 9am. The other 15 hours of the day it is very slow business. It's not capturing lunchtime trade like Burger King and McDonalds. The reason it's important that there are times after 10AM that we are getting deliveries, but it would not be an issue. It would only be about 2-3 cars. My recommendations would be to make no deliveries before 10:30AM.

Mr. Le Frois: Do you see any pedestrian traffic emanating from parking to the rear of the building?

Mr. Dean: I look for foot paths. I didn't see wear and tear on the lawn so I don't see that as being a problem.

Mr. Le Frois: There's a retaining wall along the rear of the property? Do you know how high the retaining wall is and is it higher than the adjacent property's or vice versa?

Mr. Davies: As shown on sheet 4 it is indicated that the wall is 2 feet high; more like a knee high wall. We are retaining the Merriam Gateway parking area, which is actually a landscape strip in there.

Mrs. Le Frois: Follow up question regarding traffic? What is peak time?

Mr. Dean: 6AM to 9AM

Mrs. Le Frois: Any thought to additional traffic from three surrounding properties – Thorlabs opens at 7-9, DMV opens at 8, Merriam tenants going to work?

Mr. Dean: There's always concern about the confluence of those simultaneous events. The site is essentially equal distance between two traffic signals; Woodside and Diller. That creates this nice metering effect. This use captures a convenient stop.

Mrs. Le Frois stated she is concerned with commuter traffic going south.

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Mr. Dean: We did some research. They are about evenly balanced.

Mr. Hardmeyer: Should we plan a crosswalk for Thorlabs getting morning coffee?

Mr. Dean: It's a County road. Pedestrians at designated crosswalks have the right-of-way. You hope that people can cross responsibly without a crosswalk. We can discuss the challenges with County. There needs to be a receiving handicap ramp on the other side.

Mr. Helefe: The real point is that that entire issue is in the jurisdiction of the County Planning Board. If they deem it a requirement then we will put it in.

Mr. Marion: The order menu board is about halfway into the turn to the drive-thru. Ultimately, that can fit 8 cars, but before that menu board you can only fit 3. Can this be put in closer to window?

Mr. Dean: It is a Dunkin Donuts standard and it's been placed so that the order is electronically communicated and if it is placed closer to the window it wouldn't be able to be processed as quickly. It creates more delays for pick up because it doesn't provide enough lead time for the order to be completed. As a motorist comes in, makes a right turn, then left turn, and then straightens out their vehicle they are perfectly positioned to stop, place their order, and continue thru the queue. I forgot to mention one thing. We are seeking relief because your ordinance requires 12 feet for a travel lane. We are proposing 10 foot wide lanes. In my opinion as a traffic engineer, I consider a travel lane to be a road lane. For example, the lanes on the NJ Turnpike are 12 feet wide accommodating traffic at 65 mph plus. By contrast, this is a staging lane. Ten feet is the standard. Nine feet is the standard for a bank drive-thru lane. Because vehicles are moving at a very slow speed we think the 10 feet is appropriate and adequate. There is also the bypass way that has been added. I think it is a belt and suspenders type approach. People stay in the lane, not something used on a regular basis. I like this design because it's an emergency only outlet. There is no benefit in providing the 12 feet.

Opened to public

With no public stepping forward, this part of the meeting is closed to the public.

Mr. Helefe: Let's talk about operations.

Mr. Dharia stated he has and operates several locations, and has done so for 18 years. Hours of operation are from 5AM to 11PM. Deliveries will be once a week. The time will be whatever I tell them. It will take about one hour of unloading from one truck. The donut delivery comes at 5AM. He has a key, drops them inside and leaves. There are two shifts 5AM to 2PM; 2PM to 11PM. Sundays may close at 10PM. There are 5-6 employees in the morning and 3-4 in the evening.

Parking lot lights are on for an extra hour or two after closing with minimal lighting inside. It's security lighting for cameras.

Mr. Ricciardo: Where do the donuts come from?

Mr. Dharia: There are two kitchens – Totowa and Newburgh.

Mr. Ricciardo: Do the donuts come every day?

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Mr. Dharia: Yes. Frozen and dairy come once a week. In processing orders, we move very fast. Our timing is about 2 ½ minutes per order.

Open to public

No public stepping forward, this portion of the meeting was closed.

Mr. Helefe: We don't have any more direct testimony but we have attempted to address the concerns that were raised in the two review letters that we got. We've addressed most of them however, if you have more questions we will have to answer those.

Mr. Le Frois: So let's start with Mr. Simmons.

Mr. Simmons stated: This is from the report of 6/11/15. Going over page one and two is listing all the documents we received. On item # 3 as far as zoning and redevelopment area what I attempted to do was compare some of the redevelopment requirements with what they've done so you could see what deviations or waivers might be necessary. On 3A we talked about the thoroughfare sections. We talked about the lane width. Mr. Davies talked about the 10 foot width as far as the drive-thru lane and the bypass. With regards to the light spacing you do have a requirement of 40 foot maximum and they're around 90 feet. As the architect pointed out they are going to add additional lighting to the outside of the building which is going to help mitigate some of those areas that might have been a little dark. The only question I have for the Board and the architect is they did replace as a result of the TRC the shoebox type fixtures with the Town standard architectural type LED lights. I don't know if it would be possible instead of the cone lights to use the architectural lights on the side of the building?

Mr. Russo stated: They are quite large.

Mr. Simmons continued: With regards to parking plan, again there's just a couple of corrections to made to the plan on the actual number of parking spaces that are required based on some changes that were made. We talked about the parking being located in from the side. It's basically the existing condition that's there now. They are basically replicating that. They can't make the bumper strips because they basically have the bypass lane and their right up against the wall. Again they're proposing a 6 ft. high fence. With regards to the pedestrian crossing, where we talked about the ordinance as far as along Railroad Avenue the sidewalk, that is up to the Board. I think Mr. Davies brought out a good point as far as going from the DMV across and the way people really will walk as opposed to getting over there. I think that will provide them a safe way across.

Mr. Le Frois: In your opinion, Mr. Dean's suggestion of providing a crosswalk from the existing DMV handicap ramp across and then up the side of the building and then in, you think that's a good solution?

Mr. Simmons: I think it is a good observation of how people will actually walk. What that would necessitate to the left or west is a grass strip. It's about 4 ft. wide then within parking adjacent to that so someone could walk to the front door of the building. I'd sidewalk and concrete it.

Mr. Helefe: What about the rest of the sidewalk on Railroad Avenue. Eliminate that and make the connection for the pedestrians and the connecting walkway be on the site.

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Mr. Simmons: Yes.

Mr. Hardmeyer: I hate to see green space disappear. I was noticing on that side of the building you have traffic going both ways. But actually it's not going both ways?

Mr. Trullio answered: It could. The only reason I say that is that sometimes with a customer's order they are directed to pull up and park.

Mr. Hardmeyer asked: So what's the spacing between the island and the building? What's the distance?

Mr. Davies: It's 24 feet.

Mr. Hardmeyer: Does it need to be 24 feet?

Mr. Davies: Yes. For 90 degree parking.

Mr. Ricciardo: You direct them to the flat area even though they are going to cross diagonally across that exit. But I think that's the way it should be.

Mr. Davies: We will lose landscaping and green space but from a circulation standpoint or pedestrian standpoint it makes sense.

Mr. Russo: A mid-walk crosswalk could be a liability to the Town.

Mr. Ricciardo: We either address the sidewalk and make it safer or we don't do it.

Discussion ensued on crosswalks

Ms. Caldwell: The idea is that a crosswalk should be where sidewalks connect. That's also the reason the sidewalk is required on the other side is that it is in the cross sections that are in the redevelopment plan. There are also requirements for pedestrian connectivity. It should also be clear that we are not suggesting removing the pedestrian connection from Sparta Avenue to the front of the building. It would be another connection from the back of the building for people coming from the DMV or Merriam Gateway parking lot.

Mr. Russo: Would it be considered a mid-block crosswalk? We don't do that on other streets.

Mr. Helefe: At the end of the day we are not in a downtown section for a large number of people to accommodate. To Mr. Russo's point, if you paint the crosswalk in there you're leading them down the path.

Mr. Dean: There is no crosswalk on Railroad Avenue. If the Council wants to be consistent with what it has adopted in the nearby area my recommendation would be to have connectivity to the sites with handicap ramps to accommodate accessibility concerns, but introducing a crosswalk at the end of Railroad Avenue where there isn't one at the intersect with Sparta would be incongruent with what you already have. The whole objective is we want to provide the connectivity between the two sites. I think the whole issue of painting the crosswalk is something

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that the Council and Mr. Simmons can decide. I don't know if this is the forum to necessarily decide.

Mr. Le Frois: I would agree with staying away from the mid-block crosswalk. It's uncontrolled.

Mr. Helefe: May I suggest that we have the connectivity in the crosswalk at the bottom and at the same time that we put paving on the sidewalk at the side of our building for people who come across, but we don't create the attractive nuisance of actually painting it on the roadway.

Mr. Flaherty stated he is concerned with traffic from three different lanes all trying to get out a 15 foot wide space.

Mr. Helefe: It is controlled by traffic signs. There is nothing else we can do.

Mr. Simmons stated that what the Board is considering now is that on the left hand side of the proposed Dunkin Donuts building, so that that is a green space, make it a concrete sidewalk and coming across to that bull nose ending the sidewalk there and not having a painted crosswalk across Railroad Avenue.

Mr. Helefe stated: Agreed.

Mr. Le Frois: Could you put a way finding sign that says Dunkin Donuts entrance on the corner? I don't think you are talking about 100 people a day crossing there; from Thorlabs, maybe, but not DMV. **So our recommendation would be to make a concrete sidewalk at the edge of the building and do a crosswalk at the bottom.**

Mr. Simmons continued: Signage and lighting standards, we talked about the pylon sign. They proposed one pylon sign with an area of the main sign of 37 sq. feet, about 17 ½ feet tall at the corner; replacing the existing sign that is in the right-of-way with a new pylon sign. Does the Board agree with pylon rather than monument?

Mr. Simmons agreed with the Board with what they have proposed as his only concern was we are getting a site triangle easement across the corner.

Discussion ensued: Yes. Board agrees that the Pylon sign is suitable.

Mr. Simmons continued - Façade signs – 20 sq. feet. They are allowed 2 signs, 27.26 feet totaling 54.5 sq. feet; one in each corner of the tower. How does the Board feel about that?

Mr. Molica: That is another deviation so we need testimony on that. This is getting complicated as to what relief the applicant actually needs.

Ms. Caldwell – I was going to go through it in more of a list so then maybe that will help you.

Mr. Simmons continued: Details on the menu board and the height board as far as vehicles going over it is a deviation. Regarding the site plan on 4A the County did go through a scoping study that may or may not take a sliver of this property. We made the applicant aware of it. We talked about the site triangle easement, the pylon sign and the hours of operation of 5 AM – 11PM. With regards to storm water management – they did propose the dry wells. I did point

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out about the energy dissipation and they needed some official construction details on that, some inverts.

Mr. Le Frois: What is your professional opinion regarding maintaining the sheet flow from the site as opposed to curbing it, closing it up and then tying into the storm drains?

Mr. Simmons: We did have the site plan application on the Quick Mart that is there now years ago. They did propose the grass strip for the sheet flow and the County accepted that by the applicant. With this applicant going before the County again there is some storm drainage that the County requires that they can tie into. They'd have to go into the County's drainage system so it's really in their jurisdiction.

On the Environmental Impact Statement we talked about the existing monitoring wells. It is my understanding that the monitoring wells have to be adjusted to grade to remain as they are still being monitored by the previous owners who are responsible for that. We talked about the intercom. I agree, a WB-50 straight truck is the truck to bring in here not a tractor trailer.

Regarding the Traffic Impact Study – Mr. Dean did talk about that. I didn't have the site plans for the Byram, Vernon and Franklin Dunkin Donuts but I did have the fellows print out an aerial photo of each of those locations and Mr. Dean was right on when he talked about the Dunkin Donuts by North Park Drive, I counted from the pickup window, clockwise around the building to the point where you wouldn't block the cars exiting, 10 vehicles. Between Byram and what have you, what I was looking at was from the order board back to the street, you get about 5 vehicles. So, we have a similar number here. Is it possible it could back up onto the shoulder? Yes. If they had that situation with dual lanes going in here, could they go by it and park and go inside it? Yes. So you've got that option here too.

Mr. Le Frois: So the key is that two-lane entrance is important to reduce back up.

Mr. Simmons stated – I think so.

Regarding the utilities – the applicant has to check with the Construction Official and Water Department. There is existing water/sewer going to the site, if they have any further demands for fire protection or what have you for additional water and utilities.

The lighting we talked about as far as additional fixtures on the building. They had some landscaping shown on the right hand corner of the site. They have to move that back because as time goes on there might be some branches in the way of the by-pass lane.

Mr. Le Frois: In regards to landscaping did we all agree that it might be a good idea to put some landscaping against that large portion of wall on the southeast corner of the building?

Mr. Helefe stated: Yes. We agreed to that condition.

Mr. Simmons –Architectural Plans – I like the idea that the applicant's architect came up with putting all that equipment box on the main roof so it looks nice and clean

Mr. Simmons continued: We need some construction details as far as the pylon signs and foundation, a list of the various approvals and an as-built when the project is complete. In

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summary, they did address a lot of the items. And a few items that would make the plan better. And that is my engineering report.

Mr. Le Frois: Is there any comment regarding this report, Mr. Helefe?

Mr. Helefe: No. We will address all these items.

Ms. Caldwell stated: What I'd like to do since this is a Redevelopment Plan and it supersedes the zoning is to go through it and Mr. Molica was noting, what the waivers are, etc. Under the Redevelopment Plan they are not variances, but deviations, so they are similar.

Under Sidewalks – the 4 ½ ft. sidewalk on Railroad Avenue. It is a required element, so it would be a design standard waiver.

Under the Parking Plan it is required that surface parking be to the rear of the building so that's another waiver since there's a portion of it in the front of the building.

There's a requirement for a 3 ½ ft. decorative wall or landscape feature that isn't provided so that's a design standard waiver.

There's a landscaping standard for trees in the parking lot; one for every 5 spaces. So they should have five. They are proposing 3. They are not interior to the lot so that's another waiver.

There's a 10 ft. minimum planting buffer required between any surface parking lot and the property line. They are not providing that but I know they are providing that fence on the one side and there is a smaller buffer on the eastern side. There's a waiver required for those buffers.

The parking lot layout has taken into consideration the pedestrian movement. They talked about the aisle widths – they are 10 ft. wide and the standard is 24.

They met everything under lighting. The Architectural Standards were fine.

Under the Signs these are considered deviations. They didn't propose any directional signs that are permitted at a maximum of 4 square feet, but I think we were asking for some at the entrance.

Mr. Le Frois stated: We did. Just before the entrance we are requesting way finding signs.

Mr. Helefe stated: We think that is a good idea.

Tom Molica stated that the applicant has agreed to provide the directional signage so that removes the need for that deviation.

Ms. Caldwell continued: There's no deviation. They just hadn't proposed any, but I just wanted to note they are permitted at a maximum of 4 sq. ft. and if they are proposing them it should part of the application.

Mrs. Le Frois stated: If you are going to do it on the entrance you should do it on the exit, to be consistent.

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Mr. Helefe stated: Yes, we will do that. It will benefit our flow.

Ms. Caldwell continued: On the identification sign there is one permitted at a maximum of 20 sq. feet. They are proposing two at 27.22 sq. ft. each, that's a deviation. Our normal sign ordinance is more liberal. We do allow one per roadway frontage which is what they are proposing and we also allow one sq. foot per lineal foot of façade. They may be substantially conforming to our normal sign.

Under the Freestanding Signs not permitted, that is why we were talking about freestanding vs monument sign, a monument would be permitted – 32 sq. feet, four feet in height. They are proposing a 37 sq. ft. sign at 17 ½ sq. feet in height. So that's a deviation. The menu board is also not a permitted sign because it is not mentioned that also is a deviation from the sign standards. There is also a requirement for building numbers on the building as part of the sign package. I am not sure if they are doing that.

Mr. Helefe stated: The address #65 is over the door on the outside of the building facing Sparta Ave.

Green building standards recommendations mentioned - Landscaping – street trees are required, 25 feet on center which were not provided. That would be a design standard waiver. There's also a requirement that 50% of paved parking lots be shaded with tree canopies within 15 years. Will you do that?

Mr. Helefe: We believe we can accomplish that with the three trees at maturity at the 15 year level. We will show that on the plans.

Ms. Caldwell continued: The deviations for the signs are like the c variances and the other waivers are similar to a design standard waiver where the finding is that the benefits outweigh the detriments and there is no serious negative impact.

Mr. Helefe: So there are no variances required on this application then.

Ms. Caldwell stated: Just the signs.

Mr. Molica stated: Those should be evaluated in the context of the Land Use Law. The Local Redevelopment Housing Act interplays with and does not supersede the Municipal Land Use Law so when you look at the site plan design waivers that are being sought, which are numerous, and you look at the three different deviations that are being sought, you should consider them based on the Municipal Land Use standard. Specifically for the deviations what's articulated in Section 70C and as Ms. Caldwell indicated for the site plan design waivers whether they are reasonable and do not pose any negative detrimental impacts.

Mr. Helefe: If you look at site plan design waivers and you look at the deviations being sought we should consider them based on the Municipal Land Use Law standards. Specifically from the deviations that's articulated and if the site plan design waivers are reasonable and don't have any negative impacts.

Mr. Helefe stated: The design waivers are driven by the fact that the site only has a certain size. We tried to put as much landscaping as we could onto the site while still developing it as a Dunkin Donuts so those design waivers are driven by the size of the site. The developing of the

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site, safety of the site, the parking on the site, and everything else in terms of the site outweighs that landscaping. We have put in as much as we can, so if we start adding more landscaping the rest of the site would deteriorate in terms of traffic and safety, that's why we can't do that.

Mr. Hardmeyer asked about trees being taken down in the rear.

Mr. Davies: As shown on the Grading & Drainage Plan, sheet 4/7, those are being removed to accommodate the site plan, so we are taking 14 trees down and proposing 3.

Discussion ensued

Mr. Ricciardo stated: It's been stated by all the consultants here that the lack of landscaping is driven by the size of site and by the necessity of the by-pass lane; the landscape is also driven by the size of the building. If that building was smaller and they say there are smaller buildings available to meet the Dunkin Donuts standard, you could leave the side closest to Railroad Avenue where it is, decrease the size of the building, move the by-pass lane and get some landscaping on that side. There are other standard buildings that Dunkin Donuts has. What size buildings does Dunkin Donuts have?

Mr. Helefe: Understood but the square footage of this even if you reduce the building by 300 sq. ft. that is not going to make a substantial difference on this site.

Mr. Trullio stated: This is close in terms of square footage to a standard store. Years ago all these stores were full producing kitchens so making donuts were bigger, now we have gotten smaller but we don't want to go too small. Years ago they were much bigger than this, they had four kitchens, we don't want to compromise the customer experience.

Mr. Hardmeyer: How many extra parking spaces are being put in as opposed to what is required?

Mr. Helefe: The by-pass lane is there as a result of the TRC meeting. We think it is good, but we can remove it if the Board deems it unnecessary.

Mr. Davies suggested: In order to add more landscape space and to accommodate the shade tree requirement of over 50% of the parking lot let's look at our three parking locations or pods; all of which have landscaping capabilities. The only one we don't have too many accommodations for is number nine. What we could do is break it into two small pods by putting landscape aisle in the middle. That would allow and accommodate for another mature tree to be planted; while adding more landscaping, adding a shade tree that is on the street frontage and getting us to where we will be comfortable planting the 50% coverage to maturity.

Discussion ensued.

Mr. Hardmeyer: Will they be making a contribution to the tree bank?

Ms. Caldwell: It is not required in redevelopment area.

Mr. Helefe: Does the board want to trade off one parking space for an additional green aisle with a tree in it or not?

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Mr. Molica: May I suggest that any landscape plan be submitted to both the planner and the engineer for review.

Mr. Le Frois agreed. **What does the Board think about taking one parking space out of the nine?**

**Agreed. Good solution.**

Mr. Helefe continued: We've discussed the sidewalk on Railroad Avenue and how we are going to put the sidewalk on the side of the street so in terms of that design waiver we have talked through the benefits and detriments of that. The aisle width of the drive-thru being 20 instead of 24 we've discussed with the traffic expert and I think we're done with that and that addresses all of the design waivers.

Mr. Le Frois: One final question. The little two foot retaining wall in the back, should that have a railing?

Mr. Simmons: Since there is parking in the back I would suggest the applicant add a railing according to the building code.

Discussion ensued

Mr. Simmons: –Recommended the addition a 4 ft. fence to the retaining wall.

Mr. Molica added: The applicant to submit the plans to the planner and engineer.

Mr. Helefe stated: That addresses all the design waivers and we are down to the deviations. The deviations we have to speak to is the pylon sign and we discussed that in terms of the benefits that it is able to be seen as people are coming past the Merriam Apt. and can see it in time to turn but not in right-of-way and height stays the same. And we are going to move the existing pylon sign out of the right-of-way. The other signage is the menu board which we need. We can't operate the site without the menu board. I think that the Board liked two signs on the monolith. It makes it balanced and looks good. We are a couple feet over in the Redevelopment Ordinance but as the planner pointed out it falls within the perimeter of the normal sign ordinance. We are going to put up entrance and exit signs as that is a condition as well.

**Open to the public**

No public stepping forward, this portion of the meeting was closed.

Mr. Russo asked: What is the timeframe for the project to be completed?

Mr. Dharia stated: Approximately 3 months to build once the project is approved.

**Mr. Molica crafted a motion to grant preliminary & final site plan approval with seven design waivers with deviations for the proposed signage. Numerous conditions the applicant has agreed to do. Applicant has agreed to following conditions: Convert proposed fence to board-on-board from stockade, relocate the pylon sign outside of right-of-way and onto the subject lot, address connectivity on the revised traffic plans to Board Engineer, agreed to Simmons &**

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Caldwell reports, applicant agreed to install on northwesterly side of building grass strip will become 4 ft. wide concrete sidewalk, no mid-block crosswalk, there will be a crosswalk across Railroad Avenue and Sparta Avenue, applicant agreed to provide a revised landscape plan whereby one parking space shall be removed and one tree planted subject to approval by Planner and Engineer (proposed five trees instead of 3), agreed to install a fence on top of retaining wall subject to plan approval by Planner and Engineer. The height of pylon sign will be 17 ½ feet or whatever the existing pylon sign is or whatever is lesser. Standard resolution conditions will be attached to the application.

Mr. Ricciardo made a motion to grant preliminary & final site plan approval with seven design waivers and with deviations for the proposed signage and all discussed tonight. Mr. Marion seconded.

AYE – Mr. Marion, Mr. Russo, Mr. Ricciardo, Mr. Hemschof, Mrs. Le Frois, Mr. Le Frois

NAY – Mr. Flaherty, Mr. Hardmeyer

The application is approved with simple majority.

Mr. Le Frois stated that Mr. Hardmeyer stepped away for a bit and will rejoin us shortly.

**SIGNAGE**

Ms. Caldwell: Because this is a big ordinance change the Council sent it to the Board for comments before introduction so we can get any ideas for changes prior to introduction so we don't have to redo a public hearing after the referral. We did get some comments from the Historic Commission that we want to incorporate.

Ms. Caldwell gave an overview of what was removed and added.

Mrs. Le Frois: Under exempt signage, I'm assuming that existing signs will be grandfathered in until change of use, so non-conforming signs with changes remain non-conforming until they are changed.

Ms. Caldwell: Technically if they were previously approved or put up before zoning. So there are quite a few signs out there that may not be legal as they exist today. So then they'll get grandfathered. If they never got a permit and just hung it up.

Mrs. Le Frois continued: Under exempt signage letter K, if they are re-lettering or re-using an existing sign that is non-conforming aren't we just perpetuating the non-conforming status of that sign?

Ms. Caldwell: It's only re-lettering of a previously approved sign; it's not a grandfathering situation.

Mr. Ricciardo: Are abandoned signs addressed in the ordinance? Maybe they should be.

Ms. Caldwell: I don't think we addressed those. It would probably be a function of Municipal Land Use Law whether it's really abandoned or not so it gets kind of tricky when you start talking about abandonment of a use. The current ordinance is silent on it. You're not allowed to reuse

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them when you reoccupy a building if it's non-conforming without coming in for a variance unless you can show that it was previously used as part of a site plan.

Ms. Caldwell stated: We could make a comment to put it back in the ordinance. If the building is unoccupied for a year then the sign has to go away.

Mr. Le Frois: Let's make that a comment for the Council.

Ms. Caldwell stated: I want to check with the attorneys. There are laws about abandonment and rights of pre-existing, non-conforming uses and structures and if signs fall into that we don't want to.

Mr. Le Frois: The ultimate intent is to clean up the old signage ordinance and make it easier to apply for applications and easier to enforce.

Ms. Caldwell – Yes. And make it more business friendly.

Mr. Le Frois: Since the Historic Preservation Commission (HPC) is an Advisory Commission to the Planning Board, made some comments and we should review their comments. I don't have to change or add anything. Everyone else is ok with the current version. I know Mr. McCabe is here, so, Mr. McCabe, if you wouldn't mind bearing with us as we go through this and if you've got some additional things to add if we can do that at the end of going through this document that would be fine.

Ms. Caldwell stated the HPC comments and found that:

- Freestanding Sign/Ground Mounted Sign (40 sq. ft.) and Professional/Tenant id (36 sq. ft.) should both be 40 sq. ft.  
**Board is OK with this.**
- Want definitions for gambrel, gable, hip roof, and mansard roof under roof sign on page 3.  
**Board is OK with this.**
- Added to 320-25.A(1) signs in historic district proposed that the sign design would be reviewed by the HPC in 48 hours.  
**NO – Board deems unnecessary**
- 320-25.A(4) add after business district, "historic district", municipal, etc. on page 4.  
**Board is OK with this.**
- Under zones permitted HD should be added on page 5 to those Transect Zones within the Historic District.  
**NO – Board deems unnecessary**
- Under 320-25.B(2) recommends projecting/blade from 8 sq. ft. to 12 sq. ft.  
**Board is OK with this.**
- Tip of "Open" Flag should be indicated - must be 8 ft. from grade.

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**Should be an 8 foot clearance**

- Under "Open" neon signs what business needs 8 sq. ft. – recommends max of 4 ft. – keeping in with the Historic District and compatible with the building.  
**Keep it at 8 feet – came from business comments**

Ms. Caldwell stated that there was a question:

Mr. Russo clarified: about the Spring St. Pub & Grill, that they have one sign that says location and one sign that says what they are selling or offering.

Ms. Caldwell continued: Right. So what we have is one permanent sign per window, plus the open sign doesn't count to that and then they have temporary signs up to the amount of coverage permitted in that zone. It's basically one sign per window but the internally illuminated can also be with a lettered window sign. So you can have one internally illuminated hung sign and one lettered sign per window. One sign is the name of the business, the other sign is a product they sell? Look at page 5 under Window (Permanent), # of signs permitted is one per window; one is painted on the window and one is glowing in back of it.

Mr. McCabe: The question came up can they have another internally illuminated beer sign along with other internally illuminated sign? Is it considered a temporary or permanent sign?

**Mr. Russo stated: We make it as a comment to the Council. Do we increase the number of permanent signs or make a modification on that.**

Ms. Caldwell continued: Window permanent question can it have neon and sign on same window, we just talked about.

- Page 10 – identify or clarify what the bond indemnifying the Town of Newton is – what format (cash bond) and what amount.  
**Defer to Council**
- On page 7-320-25.D Sign Lighting – wants the Historic Commission to review 320-25.D(1) & 320-25.D(2)  
**No – Board deems unnecessary**

Mr. McCabe questioned on sign portable - sandwich signs are ok but not trapeze signs.

Mr. McCabe brought up the mural on the wall by Springboard Shops; is that a sign?

Mr. Russo, - Murals are considered free speech.

Mr. McCabe state that the Downtown Newton Association is proposing old photos to be applied inside of windows of empty store fronts. Color based film that is applied to inside of window. For example, an enlarged photo of Spring Street from early 1900s.

Mrs. Le Frois: Who would design and pay for it?

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Mr. McCabe: The co-chairman for the design committee, Mark Maruska from Gravity Designs, has come up with designs for cheap prices. We would like to work with landlords as a program to visually improve the sites.

Ms. Caldwell: Those would be permitted under the temporary window signs so it can cover 100% and not need a permit.

Mr. Russo: On page 9, can we exempt business directory signs as installed by the Town? And we should exempt utility pole banners as installed by the Town.

CORRESPONDENCE

Reviewed

EXECUTIVE SESSION

None

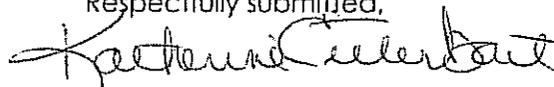
PUBLIC PORTION

No public stepping forward

ADJOURNMENT

Mrs. Le Frois made motion to adjourn the meeting. Motion seconded by Mr. Hemschof. The meeting was adjourned at 10:27 PM with a unanimous "aye" vote. The next regularly scheduled meeting will be held on July 15, 2015 in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart  
Planning Board Secretary