

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 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.

**OATH OF OFFICE:** None

**ROLL CALL:** was taken

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

Excused: Mr. Marion, Mr. Flynn, Mr. Hemschof

**THE SUNSHINE STATEMENT:** was read.

**CONSIDERATION OF MINUTES**

June 17, 2015

A motion was made by Mrs. Diglio and seconded by Mrs. Le Frois to approve the June 17, 2015 minutes.

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

The motion was carried.

July 15, 2015

A motion was made by Mr. Ricciardo and seconded by Mrs. Le Frois to approve the July 15, 2015 minutes.

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

The motion was carried.

**HISTORIC RESOLUTIONS**

None

**RESOLUTIONS**

**Punctuated Equilibrium, LLC (#PBSP-02-2015)  
Block 22.04 Lots: 3, 4, 13, 14, 15  
83-91 Sparta Avenue**

Resolution granting minor site plan approval and site plan design waiver relief for site improvements on the property.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Flaherty made a motion to approve the resolution. The motion was seconded by Mrs. Le Frois.

AYE: Mr. Flaherty, Mr. Russo, Mr. Hardmeyer, Mr. Ricciardo, Mrs. Le Frois, Mrs. Diglio, Mr. Le Frois

The motion was carried.

**Newton Nursing Home d/b/a Valley View Care Center (#MNSD03-2015)**  
**Block 4.05 Lot 21**  
**1 Summit Avenue**

Resolution granting minor subdivision and variance approval for the property.

Mr. Ricciardo made a motion to approve the resolution. The motion was seconded by Mrs. Diglio.

AYE: Mr. Flaherty, Mr. Russo, Mr. Ricciardo, Mr. Hardmeyer, Mrs. Le Frois, Mr. Le Frois

The motion was carried.

**OLD BUSINESS**

**MNA Newton Realty, LLC (#PFSP-03-2015)**  
**Block 9.01 Lot 1**  
**45-47 Water Street**  
**Block 9.01 Lot 2**  
**8 Hamilton Street**  
**Block 9.01 Lot 3**  
**10 Hamilton Street**

David Wallace, Esq. is representing the applicant. The applicant is requesting preliminary and final site plan approval and several "C" variances for a Taco Bell Restaurant at the corner of Water Street and Hamilton Street.

Mr. Le Frois stated: We will be picking the application up in the midst of technical testimony that was being presented by the applicant. We had several questions regarding construction and it is our understanding that Duncan Cameron, the Construction Manager, is here today to continue our technical testimony and Mr. Wallace is here representing the applicant.

Mr. Wallace stated: We will continue with Mr. George Gloede who was addressing parking buffers. What are the issues for the parking buffers for the site?

Mr. Gloede stated: Looking at the eastern end of the property, on the left on Sheet 2/8 of the site plan, the code requires a 10' parking buffer and the building to the east is a residential building. Parking buffers were designed for the Town Center type of configuration but you do have mixed-use and a residential neighbor.

Mr. Wallace questioned: What would be preferable to screen a residential neighbor?

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Gloede stated: What we are proposing to do along that property line is to put a 6' high fence. This would prevent headlights from going over the property line. There's not a lot of room for a landscape buffer, that's why we are proposing to put a fence up.

Mr. Ricciardo questioned: Is that on top of the wall?

Mr. Gloede stated: We are probably going to go on top of the wall. It probably will step, but it will do so on top of the wall.

Mr. Ricciardo stated: So that will be 6' high, so that's 7' above the pavement in the parking lot?

Mr. Gloede stated: At the highest point the wall is about 5' high. We are trying to create an even 6' high along property line. It isn't actually stepped as far as the top part goes, it would be even across, but the bottom part would step down as the wall steps down. The other alternative is to actually put the fence in front of the wall. Then it will be consistent all the way through; along the bottom as well as across the top.

Mr. Le Frois stated: I'm not in favor of that because you catch litter between the wall and the fence.

Mr. Russo questioned: Is it board on board?

Mr. Gloede stated: Yes.

Mr. Russo questioned: What about the arborvitaes that you had mentioned?

Mr. Gloede stated: It is very tight. Between the property line and the curb line is 5'. Within that 5' we have a wall and then on top of the wall we have the fence. On the other side along this edge by the apartment complex we have a little more room. The apartment complex actually has a privacy wall on their side. So we can plant in front of that.

Mr. Hardmeyer questioned: How far is that property line and the fence and wall going to be from the neighboring house?

Mr. Gloede stated: From the house to the curb line it is about 12'. The houses are all very close together here. Even the other house that was there was very close to the property line as well.

Mr. Wallace questioned Mr. Gloede: Given the nature of the mixed residential use what advantages would the fencing have in terms of privacy and to keep children out of the site?

Mr. Gloede stated: It would definitely do that. It is a solid fence. It would work both ways. It would keep trash from going on to the adjoining property. It would keep people from going from their property onto the site. The back end would be a protected area, better than bushes.

Mr. Wallace questioned: How much higher is the first resident level in Aberlour above the parking lot of the Taco Bell?

Mr. Gloede stated: I believe one story starts the first residential property. It wouldn't be affected by headlights. The only place it possibly could affect them would be coming around the drive-thru, but the wall is here to protect that.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Wallace questioned: Have measures been considered to address any headlight spillage on properties across the street from the vehicles exiting the site?

Mr. Gloede stated: One of the things we have considered is to provide plantings to that property across the street. It is rather tight, but the owners would have to agree to allow plantings to be put there. If he doesn't agree to the plantings I'm not sure what else could go there. I'm not sure it would even be possible.

Mr. Ricciardo stated: Are you talking about the one directly across or the three that are noted on the plan?

Mr. Gloede continued: There was a gentleman here the last time who owns the house that's directly across. That's why we're addressing his concerns, because he did express concerns about it. You're right. The other two properties will have the same situation.

Mr. Ricciardo stated: With the houses being as close to the road as they are, any kind of buffer that you can work out with them would be advantageous for both parties.

Mr. Gloede stated: I agree. And we can provide them with some sort of buffer.

Mr. Ricciardo stated: Going back to the line between Aberlour and your piece of property, how long is that wall and how much landscaping are you going to do? Are you going to go from the end of your property and go all the way out?

Mr. Gloede stated: I think our landscape did show plantings along there. At the last minute we did agree to supplement that with other varieties. I think our plan originally only showed lawn being there. We agreed last time to provide additional plantings along that way. Their wall extends all the way from the front from almost Water Street, goes about to even with our building, and then the rest of the way back is the fence. Aberlour has its own masonry fence. The plantings would not provide additional screening for headlights, but it would provide aesthetics for the property.

Mr. Wallace questioned: Are there any plans to reduce headlight glare along Hamilton Street with planting or fencing?

Mr. Gloede stated (referring to the landscape plan): Yes. There are plantings for shrubs and trees shown in that area there. That will help somewhat with the screening. We also show plantings all along the frontage on the other side of the driveway as well.

Mr. Wallace questioned: Considering the fencing and the location of the residences would the headlight spillage be generally contained except for the vehicles exiting?

Mr. Gloede stated: Yes.

Mr. Wallace questioned Mr. Gloede: What are the maximum buffers in this zone?

Ms. Caldwell stated: There is a 2' minimum, 12' maximum setback and a 10' maximum buffer.

Mr. Gloede stated: We will be asking for relief on those setbacks.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Wallace questioned: What type of a neighborhood are those setbacks typical of?

Mr. Gloede stated: They are typical of town centers, around Main Street, where buildings are very close to the sidewalk or right on the sidewalk.

Mr. Wallace questioned: Could you compare that to the character of this neighborhood and the businesses along Water Street as well?

Mr. Gloede stated: Actually, the homes here are not setback. They are not right on the property line as they would be in other areas. The businesses along Water Street are not the same way. They are setback further off the right-of-way line. Just to the north of us is the gas station. The area directly next to us across Hamilton on Water Street is a vacant piece of property. It's owned by the gas station but it's vacant; the gas station's further down. Across the street there are buildings where there are both; some are close and some are further back.

Mr. Wallace questioned: So your plan is most typical of what kind of neighborhood?

Mr. Gloede stated: It is typical of this type of area we are in especially with the 7-Eleven down the street. Because of those type of setbacks, this type of use wouldn't work with this because we do have a drive-thru. Parking should be in the front of the building and the drive-thru behind a separation, so you are not having pedestrian conflicts. So to have the building close to the property line in the front and to have your drive-thru and parking in the back, it just doesn't work with that type of set up.

Mr. Wallace questioned Mr. Gloede on how the plan accounts for incoming traffic to accommodate stacking into the facility.

Mr. Gloede (referencing Exhibit A6) stated: We have 8 cars stacked up to the window.

Mr. Wallace questioned: For a vehicle entering onto Hamilton Street, how far would the entrance be from Water Street?

Mr. Gloede stated: Almost 200'.

Mr. Wallace questioned: You've shown 8 cars stacking on the site. You haven't accounted for all the space along Hamilton Street within the site if there were that many cars. How would you describe the availability of space on the street to accommodate the high traffic turning from Water Street onto Hamilton Street?

Mr. Gloede stated: If you're talking about how many vehicles on the road, I don't see there being any congestion there. There's plenty of room for cars to come in and pull into the site and park or go through the drive-thru. It would never stack out onto Water Street.

Mr. Wallace questioned: You've heard the testimony of Duncan Cameron on other applications regarding wait times for Taco Bell. In just a brief summary, how does it figure into your plan?

Mr. Gloede stated: Based on studies and stores from Corporate, they have determined that the minimum amount of cars in stack should be 8. Because of the timing that is, from when they place their order at the menu board and pick it up, I believe they have 2 minutes.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Ricciardo questioned: Is 8 the minimum or did you mean maximum stacking number?

Mr. Gloede stated: This is the minimum of cars they would have stacked. They wouldn't want less than 8 in any kind of design.

Mr. Ricciardo questioned: What is the time? The minimum versus maximum stacking time. If a car pulls into the drive-thru and it's the 8<sup>th</sup> car, how long will it take for that car to receive its order?

Mr. Gloede stated: I will defer that to Mr. Cameron who will describe it.

Mr. Wallace stated: Generally the number of cars waiting at the order board is historically very limited at these various Taco Bells and we will get into that at a later time.

Mr. Ricciardo questioned: So you are saying that the drive-thru window is less used than the inside of the restaurant?

Mr. Wallace stated: What we'll present in testimony later on is that a significant percentage of the customers would be drive-thru. I think it is somewhat more than 50%. The very careful design that's been created is that there is never more than generally 2 or 3 cars lined up to go to the order board. They have statistics to prove that they are not very concerned with stacking of cars between the order board and the street because it's very limited. There are cars that are stacked between the order board and the pick-up window. There will be more cars there. But historically there's never really been an issue and we will testify very specifically with cars getting piled up and having trouble with congestion before the order board.

Mr. Russo stated: The testimony at the last meeting was that 75% goes through the drive-thru.

Mr. Le Frois questioned: Have you studied what the impact will be with the Hamilton, Water Street intersection with this facility in place and if the neighborhood to the east of the restaurant, up Hamilton, would be impacted at all by vehicles leaving, going up Hamilton and trying to find another way to go east?

Mr. Ricciardo stated: Even to get on to Route 206. You can go up on Hamilton and make a right, come out on Trinity and make a left and come out on 206.

Mr. Gloede stated: We haven't done a traffic study of that because of the fact that this section of Hamilton is two-way and extended to the full length of our site. That helps the situation. Not everybody's coming out and going through Hamilton Street to get out. So you are going to have a significant amount of traffic that will go out to Water Street. Make a right. I don't think it will be very difficult.

Mr. Le Frois stated: That was my point. On a late Friday afternoon, if you want to go to 206 or Newton-Sparta Road trying to make a left is difficult. It could end up that a lot of people go right and work their way through the neighborhood to the next intersection and come back out on Trinity.

Mr. Gloede stated: It will be split I would think, but we haven't done a traffic study on it. It's hard to determine what people will do. If it was an easy left turn out of here more people would

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

probably do that. But coming out here onto Water Street you have to cross almost three lanes of traffic to make a left. I don't suspect many people will try and do that. I wouldn't do it myself. I would try and do another route. Especially if you wanted to go towards Sparta, if you come back to Water Street, you'd have to go up and make a left on Trinity, go back around the square and head back on that direction. People are going to find the shortest path.

Mr. Flaherty stated: Some concern that was expressed to me on that is the number of high school and college students, inexperienced drivers, and they are trying to find the shortest, quickest way. I can see a lot of them trying to make that left. I think you are going to have traffic built up and potential for accidents. Not to mention the negative effects of the traffic going along Hamilton in the residential area.

Mr. Ricciardo stated: We are talking about traffic that varies by time of day on 206. From 10:00PM to midnight you can go right or left. We are talking about commuter hours.

Mr. Flaherty stated: I am talking about lunch time, too.

Mr. Ricciardo stated: We are talking about three or four hours a day. We are not creating a continuous problem at that intersection 24 hours a day.

Mr. Wallace questioned Mr. Gloede: For traffic that would have to make a left turn onto Hamilton Street from Water Street, can you describe how a driver would accomplish that? Is there a center lane?

Mr. Gloede stated: yes.

Mr. Ricciardo stated: No. It is the turning lane for Trinity Street.

Mr. Ricciardo continued: We had talked about not having a by-pass lane and needing an escape route if a car came in and saw that 8 cars were stacked there and wanted to get out, he would be stuck there. We talked about an alternate exit coming over here to get out.

Mr. Gloede referred to Exhibit A8-sheet 2/8 of pre/final site plan: What this shows is that as part of what we are doing with the site, we are expanding Hamilton Street by 2'. When I looked at the grades in that location especially after widening out the street we're talking about a distance of about 10' between the proposed curb line of Hamilton and the curb line on our site. Because of the grades, what we have here is almost 3' of grade separation between the pavement on Hamilton and the pavement on our side. With only 10' that gives us about a 27% grade curb down. So it really doesn't work with that. We did look at it to see if it was feasible, but because of the grades it won't work.

Mrs. Le Frois stated: When you say that you're expanding Hamilton Street are you moving your property line back?

Mr. Gloede stated: No. We are moving the curb line back and the sidewalk will go from the curb line 4' out from that. The edge of the sidewalk ends just about right on our property line.

Mrs. Le Frois questioned: How does that affect the minimum and maximum setback requirements?

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Gloede stated: It doesn't. Because we are not changing the property line.

Mr. Ricciardo stated: I went online and looked at the building sizes on the Taco Bell website. This is the minimum building size? This is the smallest size?

Mr. Gloede stated: This is a medium/small; a 40 seat restaurant.

Mr. Ricciardo stated: They have a smaller one? I think at the last meeting we asked that question and we were told that this is the smallest one.

Mr. Gloede stated: No. I don't think I said that because I know it's the medium/small. I think we talked about the fact that if we went with a smaller building the width of the building does not change. The only thing that would change would be the length. As far as our width on the property, it would still be the same.

Mr. Ricciardo stated: When I looked at the Taco Bell website there is a building that's 20' and 18' in length.

Mr. Gloede stated: I haven't seen that before.

Mr. Ricciardo stated: I guess if this is what you're proposing, this is what we need to base our decision on.

Mr. Simmons questioned: Is it possible to drop the grade down to mitigate some of that 3' in difference in elevation between the inside curb line and the curb line of Hamilton Street?

Mr. Gloede stated (showing the Board): We might be able to adjust it somewhat, dropping it in this area here. We do have a low point in this location now. The problem is this area here has to be somewhat level with the building. I might be able to drop it down another foot, but what ends up happening is this area here becomes a little steeper across and also coming down this way and then create the low points to come back and around and go up through there. We might be able to make that work if we adjust all the grades on the site.

Mr. Gloede referenced Mr. Simmons letter: You mentioned in your letter the stormwater management. Maybe at the same time we can see if that's a possibility.

Mr. Wallace questioned Mr. Gloede if he had looked at any measures for parking during construction?

Mr. Gloede stated, referring to Exhibit A9, 2/8: Yes. We talked about temporary parking for the residents. Again, because this site is used by County Seat for parking for the 8 apartments that are in that building, what we would do is provide them with the area to park. What I've super imposed on here is the area that would be the temporary parking area during construction. So basically what we would use is the number of the ten spaces we show that would eventually get constructed in that area, since all of our construction will be mostly in the area around the building. What we would do is, when the residence is demolished we would maintain the driveway and fence off this area so it would be a protected area for the residences to park in. And this would be a gravel parking area during the construction phase. This would allow for ten spaces for them.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Wallace questioned: Please walk us through, for someone who wanted to make use of that parking area what is the course of travel from the County Seat building?

Mr. Gloede stated: They'd leave the County Seat building and cross Water Street at crosswalk at the red light. They'd come up Water Street, come down Hamilton Street and then have access to the parked cars.

Mr. Wallace stated: Under this plan, the number of people that would have to make that walk would be significantly reduced.

Mr. Gloede stated: Yes.

Mr. Ricciardo questioned: How are you going to reduce the pedestrian traffic?

Mr. Wallace stated: Without the commercial operation on the first floor, the pedestrians would be reduced.

Mr. Wallace questioned Mr. Gloede: Is there anymore available parking in this area?

Mr. Gloede stated: I am not aware of any more parking.

Mr. Wallace questioned Mr. Gloede if the parking requirements were based on the shared calculation for parking.

Mr. Gloede stated: Yes. There are 8 one bedroom apartments in the County Seat. The proposed development would provide shared parking for both the retail and the residential apartments in the shared parking matrix. The total parking required for both sites would be 24 spaces. The site is proposing to have 28.

Mr. Soloway stated: For clarification in making that calculation you are assuming the retail use across the street in the County Seat building. At the present time that is not before the board, correct?

Mr. Gloede stated: That is correct.

Mr. Wallace prompted Mr. Gloede to discuss freestanding signs on sheet 8/8.

Mr. Gloede stated (referencing Sheet 8/8): We have a pylon sign that is located at the corner of Water Street and Hamilton. The sign would be 20' high and the sign face 8'10" x 5'10". That is a standard Taco Bell sign required by the franchise. It will not interfere with any line of sight with the neighboring properties. Exhibit A7 shows our sign. It shows an expanded area of Water Street from the corner of our property down to where the gas station begins. It also shows the location of the Exxon sign and the dimensions off the curb line. I showed that coming down Water Street our sign is set back 22' off the curb line of Water Street. Their sign is set back 18' off the curb line of Water Street.

Mr. Flaherty questioned: Would it interfere with the sight line of the person on Hamilton making a left on Water?

Mr. Gloede stated: No. We have to comply with site triangle easements.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Wallace stated: The maximum sign allowed is 40 square feet. But with the sign dimensions of 8'10" x 5'10" you are pretty close.

Mr. Gloede stated: With rounded top you are losing some of the area.

Ms. Caldwell questioned: What is the actual square footage of that sign with the rounded edge?

Mr. Gloede stated: I think it was about 3 square feet less.

Mr. Soloway stated: If you are going to ask for a variance on something you have to be specific.

Ms. Caldwell stated: I think we calculated 51 ½ square feet if you square it off. So you are saying because it's the rounded edge it is less.

Mr. Gloede stated: We will provide that.

Mr. Wallace prompted Mr. Gloede to discuss the order board.

Mr. Gloede stated: The order board is a sign. It is a standard Taco Bell order board. It is the size it is so people can see the menu. There was an issue about the top portion of the sign that you really can't see too well. It's a squared off sign with another sign above it that has Taco Bell on it. The easier it is to see, the faster you can place your order and keep moving.

Mr. Russo questioned: Are you keeping the location as proposed, or was there any consideration of moving it back?

Mr. Wallace stated: If the question has to do with stacking and the movement of traffic the best person to speak to that would be our construction professional. If there is an issue other than that we can address it with Mr. Gloede. But the overall design to move the cars through would be a proper question for Duncan Cameron.

Mr. Gloede stated: I think on the plan itself it's a little different than what the detail shows. I actually show from Hamilton to Water its a little bit farther away. It's supposed to be only 7' away. It is actually a little bit closer than the detail shows.

Mr. Wallace questioned: Have you met the code for the ingress and egress signs on the property of 4 square feet?

Mr. Gloede stated: Yes. We have met that code for directional signs.

Mr. Wallace questioned: Are there any other variances we need to address?

Mr. Gloede stated: I think we've got them. I don't believe there is anything else.

Mr. Gloede stated: The minimum building height is 2 stories. We are at 1 ½ stories. The half story looks like they are trying to look like a second story but it really isn't a second story.

Mr. Wallace questioned: How does that fit with what's in that neighborhood and the type of architecture that is in the neighborhood? Are there are one story buildings down the street? The

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

predominant character of that neighborhood is a one-story but the two-story minimum would appear to be a Town Center type of standard.

Mr. Gloede stated: Yes. We are trying to match the architecture, particularly with the apartments next door. The two story minimum would appear to be a Town Center standard. Normally with that type of situation you are looking at apartments over a commercial use.

Mr. Wallace questioned: For planning purposes would that be a good decision to meet the character of the neighborhood?

Mr. Gloede stated: Yes.

Mr. Wallace stated: Generally fast food restaurants are one story and permitted in the zone.

Mr. Russo questioned: Last meeting you talked about possibly matching the architecture of some of the other buildings in that vicinity, like Aberlour and Hayek's. Has there been any conversation about trying to match some of that architecture rather than the stark contrast of the traditional Taco Bell?

Mr. Wallace stated: Yes. We are prepared to discuss that and the best person to talk about it is the person who builds them as he is very familiar with the stone brick face materials.

Mrs. Le Frois questioned: Related to the traffic. Is that your assessment to provide or someone else's? At the last meeting we talked about the number of customers per week and there was discussion that said between 5 and 7 thousand customers a week or more, and that's where we got into the discussion of walk-in vs. drive-thru. There was also discussion, not reflected here, that says it was based on traffic already passing by. I wanted to clarify that because we don't have a formal traffic study so is that based purely on sales as it relates to other sized stores in similar markets?

Mr. Gloede stated: Yes. It's based on the typical Taco Bell store. They're all over the country; in areas similar to this. They do have numbers that they work with. I don't know those numbers. The owners could probably elaborate more on that. It is basically figured by the Taco Bell organization.

Mr. Flaherty questioned: You are widening the street by 2' and moving the curb line closer to the building. That changed the turning radiuses on the driveway, both going in and going out. How does that impact? We don't have any circles here.

Mr. Gloede stated: Right now, without the widening, the radiuses are actually 5' wide. We have 2 radius points. There are 2 five foot radiuses with a short tangent between them. That tangent is 2'. If we widen out to 2', that 2' tangent disappears. So now you are looking at one whole 5' radius from the proposed curb line of Hamilton to the curb line of our interior. So the radiuses really don't change. The only thing that changes is the actual tangent between the two radiuses.

Mr. Hardmeyer questioned: Have you done any studies or do you have any opinion on what the effect of this would be on the market value of the homes in the residential area?

Mr. Gloede stated: No, I do not.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Hardmeyer stated: Say I was living in one of those three homes across the street. What would I be looking at? It wouldn't be great right?

Mr. Gloede stated: I think it would be great. It will be a nice looking building. The landscaping will be there. We think the building is basically done.

Mr. Hardmeyer questioned about the lighting.

Mr. Gloede stated: We will be using the Town standard lights. Lighting will not be on 24 hours a day. There will be a time when they are shut off. We can talk about that. I don't have the numbers off the top of my head but the owners or Mr. Cameron can talk about the operating hours of the lights.

Mr. Hardmeyer questioned: What does the finished side of the building that faces Hamilton Street look like? Is it brick all the way?

Mr. Gloede stated: I will defer that to the architectural plans. I didn't prepare those.

Mrs. Le Frois questioned: We have some confusion about the 2'. Is that cutting back on your curb line? Is it coming back from the landscaping on Hamilton, or the parking lot space?

Mr. Gloede stated: Where you are pushing back the curb line, it is going to be 2' closer to our site. What it does is reduces the area between the curb and the property line. By pushing that back we now have the sidewalk as well. We are not changing the right-of-way or property line of that location.

Mr. Simmons stated: There is a section in the Town's code also that recommends at least 22' wide. Right now on the existing street it's 20' plus or minus. So since they have about 2' on their side and they are redoing the curb line anyway it seemed like a good time to widen it out so that it helps bring vehicles in plus comes closer to meeting the requirements of the Town's code.

Mr. Le Frois questioned: So the widening is going to happen with or without the extra driveway?

Mr. Gloede stated: Yes. It's part of the overall plan. We are going to see if we can make this work.

Mr. Wallace stated: Just a follow up on the question regarding traffic. Although this is not a use variance application, for planning purposes is there a value to attracting traffic to that particular area?

Mr. Gloede stated: Yes. Tax revenue. People buying. It could increase customers for other businesses.

Mr. Le Frois stated: What we normally do is allow people from the public to ask a clarifying question regarding Mr. Gloede's testimony. Keep it strictly to a question or a clarification regarding the description that he provided. There will be time later in the application for you to express your opinion.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

This portion of the meeting is opened to the public to ask Mr. Gloede a question on his description of what's going to be provided so you have a clear understanding of what's being talked about.

**1<sup>st</sup> Public**

Michael Bezney – 1 Bartek Lane, Wharton, NJ – Approached the map: I own 7-7 ½ Hamilton Street. Are you certified as a traffic engineer?

Mr. Gloede stated: No.

Mr. Bezney questioned the Board: Based on what he just said as far as traffic goes, why is this Board even considering the testimony he said?

Mr. Le Frois stated: It was his opinion and it is taken into account that he is not a certified traffic engineer.

Mr. Bezney questioned: Then isn't that considered hearsay?

Mr. Soloway stated: No. It's testimony.

Mr. Bezney stated: I was contacted by the applicant earlier this week about the shrubbery and was questioned what kind of trees would I like in front of my property. If you put shrubbery or trees 6' or 7' high, block the traffic lights, would that go against the Town ordinance? Blocking the view of the house.

Mr. Soloway stated: I think Mr. Gloede made it clear in his testimony that they wouldn't do any landscaping on your property without your specific agreement.

Mr. Bezney stated: Even if I did agree it would go against the Town ordinance.

Mr. Soloway stated: I'm not aware of a height limitation on trees or shrubbery.

Ms. Caldwell stated: There's prohibitions on fences in front yards but not height for trees or plants or shrubs.

Mr. Bezney stated: I've received a complaint about how high this stuff was in front of my house and we had to trim it down.

Ms. Caldwell stated: Maybe if it's weeds or something.

Mr. Gloede stated: We would discuss what you would like to see there. It's not something we would just go and put there without confirming it with you.

Mr. Bezney questioned: Do you have enough turning radius for a front end loader garbage truck to get in there and to get out?

Mr. Gloede stated: Based on a 24' wide aisle and the loading space that is here they can back up into the entrance and pull out.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Bezney questioned: As far as the concrete sidewalk that is at the one end of the property over here I notice that it is not a commercial grade sidewalk. It is only 3'8". Is that correct?

Mr. Gloede stated: There is no sidewalk on this side. It is where the drive-thru is. There's a 6' wide sidewalk that runs along the front of the property all the way out and ties into the sidewalk on Water Street.

Mr. Bezney questioned: Have you considered how many parking spaces you would be eliminating on Hamilton Street for the residents there?

Mr. Gloede stated: I was told that there is no parking on Hamilton Street.

Mr. Simmons stated: There is a proposed ordinance, subject to this application, to eliminate additional parking in front of the residence on the eastern side of the property. On the southerly side of Hamilton Street to where the parking spaces are.

Mr. Gloede stated: That's my mistake. I can't estimate how many cars park there now.

Mr. Bezney questioned: Are you aware that Hamilton Street becomes a one-way at a certain point on that street? Based on what you've said in your testimony, would you require the one-way stretch to be moved past your property so your people can come in and out of that?

Mr. Gloede stated: If the project does get approved, the two-way section of Hamilton Street will be extended to the end of our property.

Mr. Bezney questioned: Have you seen where the one-way sign is now?

Mr. Gloede stated: No, but I know this has been operated as a two-way street for quite some time because this parking area has been used for both directions.

Mr. Bezney questioned: As far as the exit and entrance and changing the design, isn't it more of a hassle for your applicant to go to the State and ask for the entrance/exit on a State highway. Isn't that one reason why you're asking for an entrance on our street?

Mr. Gloede stated: Number one, because of the width of Water Street providing an access point to this location for today would be a difficult maneuver. Whereas coming into the site, you're not backing up onto Water Street in order to get into our site. So we feel that the locations that we show of our entries are an appropriate location.

**2<sup>nd</sup> Public**

Garry Jedlicka – 13 Running Hills Drive, Newton: Relating to traffic patterns, I'm concerned with deliveries. Sometimes they are made in tractor trailers. How will they get in and out of the property? Will it affect the traffic pattern?

Mr. Le Frois stated: We had significant testimony on this at the last meeting.

Mr. Ricciardo stated: They are not going to have tractor trailers. They are going to have smaller box type trucks. They will back into the loading zone and be contained within the loading zone and not have any part of the truck on the street.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Soloway stated: We had testimony that the deliveries are approximately twice a week; early in the morning at approximately 5:30AM.

**3<sup>rd</sup> Public**

Lidia Zimmer – 47 Tamarack Road, Byram Township: Concerned with the lighted sign and how it will impact the residents in the apartment and residential areas.

Mr. Gloede stated: Mr. Cameron will tell you exactly how that sign is lit. It is diffused quite a bit. It should not be intrusive to anybody else.

Ms. Zimmer questioned: When the deliveries come will the light be lit?

Mr. Le Frois stated: We'll have to have other testimony other than Mr. Gloede regarding the sign lighting hours. He's the civil engineer.

**4<sup>th</sup> Public**

Angelo DePalma – 18 Hillside Ave, Newton: Who are these people?

Mr. Le Frois stated: Mr. Wallace is the attorney. Mr. Gloede is the engineer.

Mr. DePalma questioned: With all the lots available north of Shoprite, do we really need a fast food restaurant with all its problems, all its signs, all its noise, and all its traffic in Town?

Mr. Russo stated: They want to own their property and their building.

Mr. Le Frois read Ms. Patel's statement from last month: "They have been in this area for a very long time. This is the only site that worked for their requirements. They are looking to buy and not lease. They've been looking for two and a half years and this is the only one that fit their requirements and budget."

**5<sup>th</sup> Public**

Gina Elliot – 69-75 Sparta Ave, Newton, questioned: Did Taco Bell order it to be built? Do they know how many people are going to be affected in a negative way?

Mr. Wallace explained: The franchise, Taco Bell, allows the owner to buy the rights to Taco Bell. The owner acquires a piece of property, has a franchise, builds a restaurant. It's a contractual relationship between the person who owns the site and develops it and Taco Bell which allows them to sell their food and use their signage.

Mr. Le Frois questioned: Does Taco Bell have any specific requirements other than typical building size, menu contents, site layout and things like that? As far as the location of the restaurant?

Mr. Wallace stated: My client can speak more specifically to that. They certainly like to have enough business. That's primarily what they look at.

Mr. Le Frois continued: Do they leave it up to the owner to pick the location?

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Wallace stated: As long as there is a sufficient trip count to sustain the restaurant. A trip count is a function of being in a viable commercial district. A viable commercial district isn't going to be made up of one business. It's going to be an aggregation of several businesses. You never want to be all alone. There are other businesses in the area and they do fit the character of the other businesses in the area. Taco Bell had a proposal to site on 206, the trip count just about made it until the economy fell off. Then they said, not enough cars, we're not going to allow this to happen out on 206 in the woods. What Taco Bell wants is what a planner wants downtown. They want businesses that will bring cars. The businesses feed off each other.

Mr. Le Frois stated: I hope that answers your question.

**6<sup>th</sup> Public**

Michelle Crowley, 10 Glen Crest Drive, Newton: A 30' diesel box truck at 5:30AM running for 30 minutes is disruptive to the neighborhood.

**7<sup>th</sup> Public** – 8:30PM

Allegra Neymar – 117 Hunts Road, Newton: Concerned that Taco Bell usually has 24 hour franchises. What are the hours of this one?

Mr. Gloede stated: The inside will be open until 10PM and the drive-thru until midnight.

Ms. Neymar: The intercom volume will disrupt the neighbors. How will it not disrupt the neighbors?

Mr. Le Frois stated: We did have other testimony last month that talked about the speaker volume. The speaker volume is muted in the evening and the night time hours because there's less other noise in the vicinity. The volume is turned down in the night.

Ms. Neymar: It's still impacting a neighborhood. What is driving them to pick this specific spot? It doesn't make sense to me as one of the residents.

Mr. Ricciardo stated: It's one of the few pieces of property zoned properly for what they want to do. That's why they selected it. We went through this at the last meeting in detail.

**8<sup>th</sup> Public**

Earl Schick, 14 Kory Road, Newton, NJ: I was trying to follow the measurements of the street, the turning radiuses, and how we are going to put the two cars on the same street. I'm not understanding the 5', the 2' and making it a two-way. I don't get all of the numbers and how it will functionally work.

Mr. Le Frois prompted Mr. Gloede to re-explain the modifications to Hamilton Street and the traffic circulation along the front of the proposed property.

Mr. Gloede (referencing Exhibit 8A) stated: As you heard before we are talking about possibly putting an alternative exit in this location. This orange line is actually the expanded 2' curb line. Our entrance is right here with the possibility of an alternate exit from the site. What we are talking about as far as the radius goes, actually the radius is the curb you see right here. So when you pull in you're actually going to go around and just like any parking lot you're in, there are curbs.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Schick questioned: And the current width of the street is?

Mr. Gloede stated: 20' wide. The ordinance is for 22'. That's why we're putting this in on our side of the street.

Mr. Schick questioned: Has there been any consideration to what if someone is coming down one side of the street and someone is trying to come in or exit? What happens to that bottleneck with that limited amount of space?

Mr. Le Frois stated: 22' is adequate for two-way traffic for a two lane street.

Mr. Gloede stated: There is no problem with two-way traffic in this location.

Mr. Ricciardo stated: The people who live in the neighborhood will remember, before it became one way from the end of that property to Moran Street, that it was two-way at one point.

Ms. Neymar questioned: If you take the residents parking, where do they park?

Mr. Ricciardo stated: We went through this when it was converted to one-way but it doesn't pertain to this application.

**9<sup>th</sup> Public**

Greg Nardoza, 62 Shunpike Road, Madison; is relocating to Newton: From an engineering standpoint, I can foresee a lot of pedestrian traffic going both from possibly the high school, which is close enough and from the high rise apartments on the County Seat side. So I'm wondering if we have adequate walk-ways for them, handicap ramps, and inlets from the street for wheel chairs. That would be a concern for me. And just for the Town to realize that the pedestrian traffic, if the kids do start coming from the high schools to get here, goes beyond this application but you have to think about all this traffic now with kids on foot and there are a lot of safety concerns that I can think of. From an engineering standpoint has that been thought through?

Mr. Gloede stated: As far as the sidewalks go, there are sidewalks along Water Street. We are showing a sidewalk accessing to our site from the sidewalk on Water Street. To address your handicap access, all of our points of sidewalk and curb are handicap accessible with handicap ramps. So we do look into that.

Mr. Nardoza continued: I just want to make sure that there's adequate room for pedestrians to walk across the property without interfering with the vehicular traffic.

Mr. Gloede stated: It's a 6' wide sidewalk that goes through the section. There will be crosswalks.

Mr. Le Frois stated: There is one crossing of the drive-thru lane. The only conflict to get into the building is across the drive-thru. Otherwise there's no conflict with any other circulation on site.

**10<sup>th</sup> Public**

Denise Levitt, 5 Hamilton Street: I live at 5 Hamilton Street, directly across from this. Ms. Levitt questioned: Where exactly is your entrance and exit and how is it going to affect our driveways? We are at 5 and 7 Hamilton. How is it going to affect us trying to get in and out of there with

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

your customers going in and out? It's difficult getting out of those driveways now with just a parking lot across the street from us. With business going in and out, how are we supposed to logistically get in and out of our own driveways? Someone mentioned about the parking; currently right where you have your entrance and exit. Three to four cars park there. That's where our visitors park because there's not room any other place. We will be losing our parking. So it will be a logistic nightmare for us to get in and out of our driveway, correct?

Mr. Gloede stated: I can't answer that question. I don't know how accessible it is from your driveways.

Ms. Levitt stated: I'm asking how his entrance and exit impacts those driveways as part of the engineering.

Mr. Gloede stated: By widening the street by 2' it's more in code with the Town of 22'.

**11<sup>th</sup> Public**

Gina Elian, 69-75 Sparta Ave.: Is anybody's property going to be taken or any eminent domain?

Mr. Gloede stated: No. We are purchasing the lot next door; the first house.

**12<sup>th</sup> Public**

Ken Wise, 3 Jonathan Dr., Lafayette: On the actual plan you're submitting there's one entrance and access point? What is the width of that access point?

Mr. Gloede stated: Yes. It is 24'.

Mr. Wise questioned: My concern is from the first responder point of view. Let's say a larger vehicle pulling into the Taco Bell became disabled at that point. There's no other way in or out of there. So no first responders can get in there with that one entrance blocked. There is a significant portion of this drive-thru where only one single vehicle can drive-thru. Every other drive-thru I've seen there is a by-pass lane. I think you are potentially setting yourself up for a liable situation, a medical emergency, a fire, where a vehicle gets disabled and nobody can move in or out.

**13<sup>th</sup> Public**

Greg Nardoza, 62 Shunpike Road, Madison: When you put this building in, there's going to be a significant amount of street construction for bringing in utilities, sewerage, water, electric. Is that going to be done right in front of their houses? If you have done that study, could you explain how that is going to happen?

Mr. Gloede stated: The utilities are connected to the existing utilities in Hamilton Street. They are all tied in.

Mr. Le Frois questioned Mr. Gloede to discuss the construction phase and access to the properties along Hamilton during the utility work.

Mr. Gloede stated: I think that would be something for Mr. Cameron to discuss because he will be the one building.

**14<sup>th</sup> Public**

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Bezney, 1 Bartek, Wharton; owner 7-7.5 Hamilton Street: Last meeting was a discussion by the Mayor and Board if the two properties were linked in this property here. There was a little disagreement on the Board. Do you agree that by providing the parking for the County Seat, as the Mayor discussed at the previous meeting, that this building site and the County Seat are linked together in this design?

Mr. Le Frois stated: No. It is providing parking for the apartments above the County Seat.

Mr. Bezney questioned: As far as the parking for the County Seat, based on what the applicant has said that eventually they may want to turn the County Seat into; do you feel there will be adequate parking for the County Seat with that parking?

Mr. Ricciardo stated: That has nothing to do with this application and cannot be discussed as part of this application. You're talking about the transfer of the liquor license at the County Seat restaurant. They have absolutely no relevance with regards to this application. It is a separate issue completely.

Mr. Soloway stated: If there's an application to do something with the County Seat property, it's a separate application that comes before the Board on public notice. The only direct relevance connecting the two properties, has been clarified, is the fact that for the tenants, for the residential tenants, it has nothing to do at this time with any future commercial use for the County Seat property.

Mr. Bezney questioned: At this current time, just for that building that the County Seat is in, we are only talking about parking for the tenants. Is that correct?

Mr. Soloway stated: That's correct.

Mr. Bezney stated: Is it going to be enough parking for the tenants with guests?

Mr. Gloede stated: Yes.

Mr. Le Frois stated: It meets the Town standards.

**15<sup>th</sup> Public**

Dale Duckworth, 2 Stratford Dr., Newton: You had talked about the amount of customers. It was 5,000 to 7,000 a week. Do you have it broken down by how much per lunch, dinner, or late night?

Mr. Gloede stated: I don't have that information but the owners may be able to explain it a little more.

Mr. Duckworth questioned: But somebody does?

Mr. Le Frois requested Mr. Wallace to have Ms. Patel provide additional testimony later in the application.

Mr. Duckworth questioned: I caught that the closing time is midnight. What is the opening time?

Mr. Gloede stated: 7AM to 10PM indoor. 10PM to midnight is just drive-thru.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Duckworth questioned: There is nothing online for the July meeting. You mentioned the minutes, but I don't see them on there.

Mr. Le Frois stated: The minutes were just adopted this evening. You have to wait until they're adopted.

**16<sup>th</sup> Public**

Earl Schick, 14 Kory Road, Newton: There was a direct question from Mr. Wallace to Mr. Gloede regarding traffic and its impact as far as bringing business into the Town. Your opinion was that it's a sought after commodity. Everyone wants to go to an area and it's going to bring more business and more tax revenue. What about the effects of the traffic that comes? Do we have an answer to the additional traffic that will be pushed away from this very area that Hayek's Market might miss? Or Jersey Dog? Or Dominick's? Or Mark's Automotive because they can't get into their facility because there are 5,000-7,000 more customers coming per week. My concern is that, since we don't have a traffic study and it's the opinion that it's going to increase the tax ratables, only maybe, from the Taco Bell revenue. What about the existing businesses that will be losing revenue because people will go elsewhere because of that traffic?

Mr. Gloede stated: If you have a destination like Taco Bell, McDonalds, or Burger King, people are going to go there and get their food they are going to see other businesses there. They tend to go to other businesses as well. Having something like this will attract people to use the other businesses in the area. I don't think that should impact that at all. They are two different types of businesses.

Mr. Schick stated: The business relevance is not the question. The question is the traffic bringing more business on the road that goes from two lanes to one right above the corner of the entrance to your facility which is already a bottleneck.

Mr. Gloede stated: It's not going to impact the traffic on Route 206. Route 206 is busy already.

**17<sup>th</sup> Public**

Mr. Wise is concerned if there is a snow removal contingency plan?

Mr. Gloede stated: The way these businesses are contracted, they will be snow plowed by a private contractor. In the past for other Taco Bell's, if there is an over-abundance of snow it will be removed from the site. They don't want it built up so other people can't park.

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

Five minute break

Mr. Le Frois reconvened at 9:14PM: I was questioned to make one comment about the notification process. All property owners within 200' were notified by certified mail and the website carried notification of the application and the meeting date, and the newspaper also contained notification about the application and the meeting date.

Mr. Wallace stated: We had some discussion with your professionals during the break. We have an architect's rendering, A2. It has some design features which our construction professional is ready to testify to so you can get an idea what this brick and stone property might look like. We

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

are trying to match the Aberlour in some design features. What I'd like to do, is yield to the gentleman from Montague given the fact that he's got a relatively short application. We do anticipate a traffic study, meaning we probably will be back here and would like to carry. In the event the other application finishes with time for us to put Mr. Duncan Cameron on. We'd like to get some of that done but we'll just have to see.

Mr. Le Frois and Mr. Soloway stated: The application will be carried to September 23<sup>rd</sup>, 2015 at 7PM. There will be no additional notice.

Iliff Camp & Clinics LLC (#PFSPV-06-2015)  
Block 18.02 Lot 31  
280 Spring Street

Applicant is requesting preliminary & final site plan approval for a retail store, buffet restaurant and child care facility and several variances for sign and parking.

John Badagliacca, Esq. of Garrity Graham Murphy Garofalo & Finn will be representing the applicant.

Mr. Badagliacca stated: We are here this evening on an application for preliminary and final site plan approval regarding the applicant Iliff Camp & Clinics LLC. This is an application to modify the current use on the site which is a day care/family fun park center to three separate uses. A retail use, a buffet restaurant use, and to continue with the day care center use. I'm going to have my client, Ms. Iliff, testify with regards to the general operations both now and in the proposed uses. We also have Mr. Dunn who will address the variances that are being requested. I do want to preface by saying that we received reports from the Planner and Engineer. Mr. Dunn was able to respond in writing to those reports. The one thing I would point out is that based on the comments and the parking requirements, we are amending our request so as to eliminate the parking variance. We are going to do that based on the recalculated parking requirements being brought down from 55 to 51 and reducing the seating in the restaurant, we can eliminate that one extra spot and provide the 50 spaces that we would need for the three uses. The application is now just for two variances on the signage.

Sworn in:

Theresa Iliff, 280 Spring Street; Jason Dunn, Dykstra Associates

Mr. Badagliacca confirmed that Ms. Iliff is the principle applicant, owner and is actively involved in the current operations on the site.

Mr. Badagliacca questioned Ms. Iliff: Please describe what the operation is, the hours of operation, and the number of employees.

Ms. Iliff stated: We are currently operating a day care center and entertainment center all in one. For fourteen years these have been combined into one unit. The day care and family entertainment center are in the same square footage. The daily operations are Monday through Friday 6:30AM to 6PM or 7PM. On Saturday we base it off our party schedule. It's usually from 10AM to as late as 7PM or 8PM.

Mr. Badagliacca questioned: In regards to the day care center, what are the peak times for that use?

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Ms. Iloff stated: The peak times would be approximately 4:30PM to 6:00PM for pick up. In the morning it would be 6:30AM to approximately 9:00AM.

Mr. Badagliacca questioned: Is there any after school program?

Ms. Iloff stated: Yes.

Mr. Badagliacca questioned: How do the after school children get to your facility?

Ms. Iloff stated: We pick them up in our bus. We park right in front. They let the kids out. They walk down the sidewalk to the bus.

Mr. Badagliacca questioned: So those children coming to the after school program are not being dropped off by parents. They are getting dropped off by the one bus?

Ms. Iloff stated: Yes. One bus only and we don't even park in the parking lot we actually park the bus on the sidewalk so they're never even interacting with the parking lot.

Mr. Badagliacca questioned: In connection with what you're looking to do with this site plan application, what are the three uses you are proposing for this new application?

Ms. Iloff stated: One would be keeping the child care center but moving it to the right side of the building. It would have a separate entrance and exit. The center would be an all you can eat buffet similar to the Golden Corral. It also would have a separate entrance and exit and would not connect with the day care. The third section would be all the way to the left with its own separate entrance and exit. It would be a retail establishment. Something like a dollar store.

Mr. Badagliacca questioned: Is my understanding correct that with this application, the family fun center use that you currently use would no longer continue in regards to the day care center?

Ms. Iloff stated: No. The family fun center will have nothing to do with the day care center. The day care will be a full standard day care center. The family entertainment center is pretty much gone. We're not going to have the roller rink or inflatables. We are going to have the birthday parties which will be right on the same tables as the restaurant. So it's not going to be adding any extra seating or extra traffic.

Mr. Badagliacca questioned: Will the day care center use only be operating Monday through Friday? They will not be open Saturday or Sunday?

Ms. Iloff stated: Yes

Mr. Badagliacca questioned: With regards to the restaurant use, can you explain to the Board what its hours of operation would be?

Ms. Iloff stated: It would be Monday through Friday. From 11AM to 9PM. The hours would be the same on the weekend. We might open earlier on Sunday to do brunch.

Mr. Badagliacca questioned: Is there any new HVAC equipment being proposed?

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Ms. Iliff stated: No.

Mr. Badagliacca questioned: There was a question from one of the professionals with regards to the location of coolers and cooking equipment in the restaurant. Would that change or be moved at all?

Ms. Iliff stated: No. When I built the building I had HVAC units in each section of the building separated already. The bathrooms are centralized with plumbing on both sides. I already have bathrooms for the day care side and the center. The building was already built and framed out for this kind of what I'm trying to move forward to. We already have a full kitchen. We are cleaning it up and rebuilding it to make it a bit nicer. We are going to put in a hood.

Mr. Badagliacca questioned: There was a question from one of the professionals with regards to the circulation of the customers in the restaurant portion. I think there was a note about a soda fountain being located at the very front. Can you explain why that is?

Ms. Iliff stated: The way that we charge, you pay one price for the all you can eat buffet. But you pay separately for the drinks. For ease and speed, you find the drinks you want when you come in, pay for your drinks and buffet at the counter, eat and leave. No waitress needed.

Mr. Badagliacca questioned: You are asking for the seating capacity to be reduced to 90 from 92?

Ms. Iliff stated: Yes.

Mr. Badagliacca questioned Ms. Iliff to explain the hours of operation for the retail use.

Ms. Iliff stated: 9AM to 9PM Monday through Friday. It would be shorter on Sunday to 6PM to coincide with the buffet. It would just be retail. It's called "It's a Dollar". It's really a dollar store. One on Spring Street and then mine.

Mr. Badagliacca questioned: Would this be part of a national chain?

Ms. Iliff stated: No. I will own and operate all three businesses.

Mr. Badagliacca questioned: There was also some question or concern from the Board's Planner in regards to the separation from the three uses interior.

Ms. Iliff stated: They are already separated by walls. There's a double door that goes into the child care side and into the dollar store side. The only reason the doors are staying is so that when we have deliveries they can be done on the side of the parking lot so they don't interfere with the rest of the flow of traffic. There is no connection with all three businesses. Children will not be going into the buffet or the dollar store. Dollar store people cannot get into our day care. The doors will be locked. There is no access from day care center directly into restaurant that would raise any safety concerns.

Mr. Badagliacca requested Ms. Iliff to explain any improvements that are being made.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Ms. Iliff stated: On the outside, we are going to redo the parking lot and line the parking lot. We are going to redo our original landscape plan; adding mulch and flowers to islands in center. We'll be adding new sidewalks. On the inside, a lot of sheet-rocking and a lot done to the kitchen. We'll have brand new flooring throughout the buildings, new paint, restaurant tables, and new class rooms for the children developed.

Mr. Badagliacca questioned: In regards to the day care center at the side of the building. There is an awning on that entrance. Is there going to be an identifying sign or name?

Ms. Iliff stated: Yes. The front of the awning will have "Camp Iliff" on it, or "It's a Day Care" depending on what we do on the side. The top of the building on that right side of the building will have one of the largest signs right above the playground window. It's going to indicate that that side of the building is for day care and in front of the awning will say "It's a Day Care" on that side.

Mr. Badagliacca questioned: Aside from that sign, is there going to be any other sign? For example, in the parking lot, signs directing people where to go for the day care center.

Ms. Iliff stated: I think people's eyes naturally go to the sign when they are looking for a location. If they are looking for the day care sign it's on that side, they are going to go to that side and see the day care sign on the awning. There is also a fenced in area with a playground so they are going to be drawn to that.

Mr. Badagliacca stated: There are two variances being requested for the signs. One for the total square footage of the building mounted signs. And one of the questions from the professionals was, why the building sign for the dollar store is so much smaller than the other two.

Ms. Iliff stated: It's the smallest section of the building so we're trying to do it by size of each section. Based on the square footage that we're allowed to have, for us to maximize the larger awnings so that it looks balanced, we made a decision to balance it based on the awning not necessarily the signage.

Mr. Badagliacca questioned: With regards to the freestanding identification sign. There is one that currently exists and is being taken down?

Ms. Iliff stated: Yes.

Mr. Badagliacca questioned: Can you explain why the change in location of the sign?

Ms. Iliff stated: Yes. One of the biggest ones that I have is where the sign is located now. Most people who live in the Town of Newton understand that that section of the road has had a lot of car accidents. We've had 5-7 car accidents in the 13 years that I've been in this location. They've gone right through the fence in the same area. Luckily our sign wasn't up at that time. I thinking moving forward, if we are going to invest that much money in a beautiful sign that it shouldn't be in an area where we know there's a problem there. I moved the sign up. I also felt that it will be far more visible coming around the corner. I don't want any distractions for any driver coming around the corner and not being able to see farther down the road. I felt where it was is the safest place to come on both ways.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Badagliacca stated: Part of that freestanding sign proposal is to make it a message board sign?

Ms. Iliff stated: Yes.

Mr. Badagliacca questioned: Can you please explain what kind of messages will be on that spot?

Ms. Iliff stated: There will be messages for the businesses that would be located in the building. It would be simple things like Mother's Day Breakfast, things like that. Also, messages relating to the community, such as announcing Newton Day, or recognizing local accomplishments.

Mr. Badagliacca questioned: Would there be any messages on that board related to businesses that are not on the property?

Ms. Iliff stated: No. We don't plan to advertise on that for anything except for the three businesses are in there. We would entertain it for non-profits, like churches or events that promote well-being in the community.

Mr. Badagliacca questioned: There was a question from one of the professionals regarding one of the sidewalks. It leads to the adjoining property. Why would you want to have a sidewalk that leads to the adjoining property if you had no rights to use that property?

Ms. Iliff stated: One issue we've had for all these years is children walking across the grass. They walk down that easement and then they come across the grass and they try to walk up that hill, even adults, to get to the next road up. It's dangerous. When we have the parades, people want to use our bathroom and they walk straight across that side of the yard. I thought if I put a sidewalk as close to the end of my property without touching the adjacent persons that would at least keep it safer.

Mr. Badagliacca questioned: There was also a question with regards to the timing of the lighting on the property; both parking lot and the building mounted lights. When will the lights be on?

Ms. Iliff stated: We try to work with the time of year. We like to keep them on until 11PM. It brightens up that area of the Town. Our lights have been very useful to the Newton Police Department because we do have cameras around our building. By leaving the lights on it allows us to video tape longer outside of the building and on the back roadway. We can extend them or reduce them as needed.

Mr. Badagliacca questioned: Is the plan to turn off the parking lot lights at a certain time?

Ms. Iliff stated: Yes. At 11PM. And they turn on 30 minutes before the sun comes up. Our day care drops off at 6:30AM, so we make sure they are on at least at 6 AM during the dead of winter and we might leave them on until 8AM. The lighting on the building stays on all night long. Our cameras won't work if we don't keep them on. There is no change proposed in the lighting.

Mr. Badagliacca questioned: Does the message board sign itself move or rotate?

Ms. Iliff stated: No.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Russo questioned: Would you clarify the hours of operation?

Ms. Iliff stated: The day care is Monday through Friday 6:30AM to 7:00PM. We are closed on major holidays. The buffet is Monday through Friday 11AM to 10PM; lunch and dinner. On Saturday it's 11AM to 10PM and on Sunday it's 10AM to 7PM. The retail is Monday through Saturday 9AM to 9PM. Sunday is 9AM to 7PM.

Mr. Russo questioned: How do you handle snow removal now, and how will you handle it with the three businesses?

Ms. Iliff stated: The same way I handle it now. We try to move it to this side of the building. The church and I plow in the same spot because we own the entrance to my property and the church and I own half and half of the two islands that stick out. So when they plow they plow on that same island and so do I. It works fine for me. The snow is contained on site and we don't have it moved off.

Mr. Russo questioned: The shared lot with Christ Community Church looks like a bomb hit it. Are you working on an agreement to pave it?

Ms. Iliff stated: Yes.

Mr. Russo requested Ms. Iliff to talk about deliveries for the three businesses – time, size of trucks, hours, etc.

Ms. Iliff stated: All the deliveries will be done in the morning prior to 11AM before we open. They could be small or large trucks depending on the company and what they bring in. We've never had a problem with it. Deliveries will be coming in this way now and the trailers will be parking on the farthest side of the building because our day care is drop and go so most of those spots are open for most of the day. Then they'll come in the side of the building through the double doors and they can go across the entire building to do deliveries without going through the main part.

Mr. Russo questioned: My question specifically is with the buffet, you may contract with a major food supplier and they typically use tractor trailers. I'm trying to decide if you are bringing tractor trailers on Spring Street and the frequency, etc.

Ms. Iliff stated: I can't tell you for sure. It depends on the company. We've had tractor trailers come for the past 14 years without any problems. The deliveries can vary from once a week to once a month.

Mr. Russo questioned: What are you doing for dumpsters?

Ms. Iliff stated: We've had a smaller dumpster on the side here. We've contracted with Waste Management to get a larger restaurant size dumpster. Once the property's built and we've moved the dumpster area, we will put the larger dumpster on that spot.

Mr. Russo questioned: Do any of the three businesses require the use of a generator?

Ms. Iliff stated: No.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Ms. Diglio questioned: Will the deliveries be coming right through the day care area?

Ms. Iliff stated: Yes. We would have to coordinate with the companies when they deliver, what time we would want them to be there. If it's on the day of delivery we can say you have to be in at this time. After 9AM all the children are in their classrooms and not in the hallways.

Mr. Russo questioned: So the deliveries for the retail and buffet have to go through childcare? Why wouldn't you have it coming through the other way?

Ms. Iliff stated: Delivery goes through day cares every day. That's a standard. It's not a problem. For us, if we went through the dollar store we'd have to park across the front of the building, unload and go through two retail front glass doors. Then make a right down and go through the retail hallway to make a right. Then go through the buffet. Some of the storage will be on the opposite side of the buffet. We felt that one clear shot across the building with double doors when everything's closed was the easiest way.

Mr. Russo continued: My concern is that you have a restaurant aspect of the current business, but you are not a restaurant core persay. When you are running lunch and dinner seven days a week, it seems like an awful lot of deliveries going through a child care center.

Ms. Iliff stated: One time in the morning, doors open, straight shot, unload, they go. It will be Pepsi, Cisco, Dempsey for delivery and things like that. Currently we go through our front door. We are very happy that it's not going to be in front of our building anymore.

Mr. Badagliacca questioned: Do any of these companies deliver on Saturdays since the day care is not open on Saturday?

Ms. Iliff stated: I don't know. We don't receive on busy Saturdays. We are talking once a week at the most or twice a month at least.

Mr. Hardmeyer questioned: How late in the evening is the sign going to be in operation?

Ms. Iliff questioned: I would like to keep it on simultaneously with the parking lot lights. The sign is a dimming sign so it automatically dims in the evening. It is not running 24 hours.

Mr. Hardmeyer questioned: I know you mentioned that there have been several accidents. Do you think the sign will be a distraction?

Ms. Iliff stated: No. It's going to be further down. We aren't going to have a crazy sign up. I want to be clear about the sign. The drivers will have plenty of time to see the sign and not be distracted by it.

Mr. Hardmeyer questioned: Is there anyway the dumpster can be moved to the back of the building?

Ms. Iliff stated: Based on my engineer it would be the best place for it. I think if anything is going to change, expand or rebuild down the road, this is the least. I know it's noticeable there and hasn't been in the best repair for a long time. We are putting a different kind of fencing around it and moving back toward the wall so it's hidden by the wall.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Hardmeyer questioned: Are you planning any landscaping around the development?

Ms. Iloff stated: The fencing will be re done and then we'll probably plant something around the back.

Mr. Hardmeyer questioned: Why do you have three fenced areas around your day care?

Ms. Iloff stated: They are three individually separated play areas for each classroom. There are three classrooms and each one can go to their own playground.

Mrs. Le Frois questioned: The restrooms are located at the front of the building. Are those shared between the restaurant and the day care?

Ms. Iloff stated: No. It's just the buffet's.

Mrs. Le Frois questioned: So the only restrooms for the day care are the junior toilet and the full size toilet?

Ms. Iloff stated: Yes. There should be a wall there. The one toddler toilet goes to the infant/toddler room. The standard toilet goes into the hallway for the after school children. This classroom itself has its own individual bathroom. So that's the bathrooms for the day care required by our State licensing. We only need one toilet and one sink for every 35 children.

Mr. Ricciardo questioned: Are the double doors fire rated?

Ms. Iloff stated: Yes.

Mr. Ricciardo questioned: How do you intend to exhaust the hood?

Ms. Iloff stated: Straight up through the roof.

Portion opened to public

**1<sup>st</sup> public**

Marilou Hennighan, 17 Diller Ave: Concerned about the exhaust fan. Will you be installing one? If so, how loud or big? Is it a commercial type?

Ms. Iloff stated: We will be installing one. It is a commercial type. But it's a new kind which is not very loud at all.

Ms. Hennighan questioned: What about the odor and grease trap?

Ms. Iloff stated: We already have a grease trap in the building. Whether we need an external one is going to be decided down the road. We are not going to have as much grease as what we have now. We are already cooking so we'll see what the fat comes out to. As for the smell, I can't tell you how much it will be. It's a buffet so it's not a full size restaurant with a ton of ovens and grills and things going. It's very small. It's 26' x 14'.

Ms. Hennighan questioned: Will you be utilizing the PA system until 10PM?

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Ms. Iliff stated: We will not be utilizing the whole building for child care anymore. I don't think we are going to be utilizing the outside speakers anymore. Unless it's for the Christmas parade.

Ms. Hennigahn questioned: On what side of the building will the deliveries be made?

Ms. Iliff stated: Not your side, the other side.

Ms. Hennighan mentioned: The landscapers come before 6AM.

Ms. Iliff stated: It is not ours. They don't come that early. Maybe the train station's.

No more public stepping forward, this portion of meeting closed.

Mr. Le Frois questioned: What type of menu will you have at the buffet?

Ms. Iliff stated: We are having a lot of traditional foods. For example, meatloaf, mashed potatoes, asparagus, corn, brussel sprouts. We are going to have a taco bar with a taco station. We are going to have a little bit of Chinese; chicken and broccoli. We have a pasta station where personalized pasta will be made in front of you. We have a frozen yogurt station. We have a huge salad bar. There is also a carving station. One of the things we are really excited about is our waitresses are coming around while you're eating to give you appetizers to try.

Ms. Diglio questioned: You just mentioned a lot of different types of food. Where are you going to be storing all that food so that there aren't going to be a lot more deliveries necessary?

Ms. Iliff stated: We currently have a walk in fridge and freezer. We have mobile fridge and freezers along this wall. We have freezer and fridge space in the back. Here we will have all of our supply racks for our crackers as well.

Mrs. Le Frois questioned: The plan says "Party Room". Is that open seating all the time unless there's a party?

Ms. Iliff stated: Yes. Unless someone wants a special party then we can actually close those doors and they can have a private room.

Mr. Badagliacca introduced Jason Dunn.

Mr. Dunn reviewed his qualifications as a landscape planner and architect. His licenses are current.

The Board accepted his qualifications.

Mr. Dunn began: Our engineer, Owen Deowe, had come up with the original site layout plan in 2003. When Theresa came to our office with these ideas we talked about access to the building and what needed to change and handicap parking. There's some minor site changes. Once they did that, they handed it off to me to manage and coordinate the project. So I've been involved almost since the beginning.

Mr. Badagliacca requested Mr. Dunn to go through the variances that are needed for this

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

application?

Mr. Dunn stated: As Theresa reviewed, there are multiple signs going on the property. First I'll talk about the freestanding sign along Sparta Avenue. We are asking for a variance from the square footage of the ten ID signs. The ordinance allows each tenant to have 3 square feet. We are asking for a variance which would allow a total of 12 square feet. However, we're proposing a total of 25.12 square feet. The reason we're asking for that is for the traveling public on Sparta Avenue to see the sign in a clear and safe way. If they were too small on that main road, they could by-pass the site. So we need them to be big enough so they can see. In addition, the freestanding LED sign is half of what it could be. You allow 40 square feet, but we are just under 20 square feet. So it's a balance with the freestanding sign.

Mr. Badagliacca questioned: Would you please speak about the variance for the building mounted signs?

Mr. Dunn stated: The ordinance allows 150 square feet which is a function of the length of the building. We are asking for a slight variance there. We are asking for 167.54 square feet. The reason we feel it's justified is that each of the signs has been designed to scale the building and we think it's appropriate for the size of that building. We understand that we could meet the ordinance by reducing it by nearly 18 square feet, but we feel the signs have been designed as they are to be in scale with the façade of the building which is nearly a story and a half high. We think it's appropriate.

Mr. Badagliacca stated: With regards to both of those sign variances in your opinion as a planner, can both of those variances be granted under the C2 criteria in the Municipal Land Use Law?

Mr. Dunn stated: Yes. I've reviewed that. The components of the C2 criteria to be considered, one is the positive impact and the general welfare of the Town. I believe that by allowing the variance it helps with the aesthetics and also the safety by having easily identifiable tenant signs and also with signs in the building be scaled to site and the building face. In terms of the negative, Mr. Hardmeyer talked about it being a distraction. One of the reasons why we've moved the sign where we have is so there is enough distance when a car is coming around the inside curb and around the existing houses so they'd be able to see the sign and read it before they'd have to put their eyes back on the road. We did agree to limit the change of LED sign to once every 15 seconds intervals. But in reality it's going to be a lot longer of an interval than that. We wanted to clarify that that's something that's standard in the industry with those LED signs so we want to match that.

Mr. Badagliacca questioned: Also in connection with some of the comments made by the Town Planner, there are several issues where design waivers were being requested.

Mr. Dunn stated: The signs on the building and the freestanding sign are supposed to be internally illuminated. These traditionally are what they are and what they are now and we just ask to carry that over. It's a lot less hardware to have the goosenecks for the up lighting signs to be externally lit and we would ask the Town for that waiver. The design waiver sign is required for the LED sign because it's internally lit.

Mr. Badagliacca questioned: There is also a request regarding existing landscaping, to meet the parking lot landscaping requirements.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Dunn stated: Since the original site plan was approved, the landscaping requirements of the Town have changed. We would ask for a design waiver simply because we did install what was required. The site is not changing enough, in our opinion, to warrant more landscaping. I know Theresa said she could put some flowers around the mulch beds and perhaps some shrubs around the dumpster area. But the problem we have is with the trees. It says that 50% of the paved parking lot surface should be under a tree canopy. Because this is an existing site that has already been approved it will be very difficult if not impossible to do that. So we would ask to waive that requirement.

Mr. Badagliacca stated: With regards to both the Town's Engineering consultant report and Planning consultant report, you prepared a written response to those reports. Is that correct?

Mr. Dunn stated: Yes.

Mr. Badagliacca questioned: In your written response did you address those items where you're indicating that the applicant would be agreeable to the comment or agree to conditional approval should the Board look favorably upon the application?

Mr. Dunn stated: That's one of the reasons why we submitted the report. Whenever an applicant agrees to take care of what the comment is it's not germane to go through every detail. The professionals may want to elaborate on any of the comments.

Mr. Badagliacca stated: I've finished with Mr. Dunn's testimony so if anyone has any questions.

Mr. Hardmeyer stated: Getting back to landscaping, looking at the rear of your property there, which parallels the railroad tracks on the side, there is just a long grassy area with just a big fence around it. I wonder if you might consider a bit of landscaping along that fence. Just across the railroad track we approved the new building for the Unemployment Office and the Moose Lodge is going to be rehabbed. So there's going to be a lot more visibility because it's going to be facing the rail bed. There are going to be a lot more people looking at the view of the back and the side. So just to improve that whole view scape, some shrubbery along that fence might improve the looks a little bit.

Ms. Iliff stated: I agree with you. Down the road we do have some plans of what we would like to do on the back and the sides. We couldn't get it in on this but you will be seeing me down the road again for here.

Open to the public

No public stepping forward. This portion closed.

Mr. Le Frois questioned Ms. Caldwell to review any items that need to be highlighted.

Ms. Caldwell stated, referring to her report dated 8/13/2015: I just want to clarify a few items. The property is in a T-4 Zone. They aren't proposing any changes to the actual building footprints so it doesn't kick any bulk variances or anything like that. Also, by reducing the number of seats in the restaurant there aren't any parking variance needed. In terms of the signs I want to clarify the variances a little bit. They are proposing three wall mounted signs where only two are permitted per road frontage. That's another variance that I don't think was mentioned. The sign area also for the total area for the wall mounted sign is also a variance that was mentioned.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

The internal illumination part is a design standard waiver. There's an additional canopy sign, on the Sparta Avenue side, that was presented tonight that I don't think was in our package. This is going to go over the day care. That should be fine as long as you're proposing to meet the ordinance standard which is four square feet for an awning sign. In terms of the freestanding sign, there is that variance for the size. It's sort of a multiple sign the way we looked at it. The professional tenant sign requires that area for the maximum size that the freestanding sign meets the size and does meet the design waiver for the LED signs. I recommended once every 15 seconds as the minimum for change that helps with distraction of drivers. I also recommended that the brightness be approved by the Town engineer or some other fashion. I did notice that the Dairy Queen light in Hampton is very bright. I think it would behoove the Town to dim it at night as a condition of approval. I also mentioned the half a foot candle. Something that could be checked at night as well to make sure there is an area outside of where they should isolate patterns on the sidewalk to make sure it meets our half foot candle standard.

Mr. Le Frois prompted Mr. Simmons to review his report.

Mr. Simmons stated, referring to the report he prepared on 8/11/2015: The applicant's presentation did cover most of the items. On page 2, item 3, as far as the parking and handicap spaces and all the requirements would be reviewed by the Town Construction Official. Going on to page 3, item 7a iii this also ties in the end on the various deeds. Just to refresh the Board, years ago this was going to be multi-family housing. As part of the application, there were a lot of pieces of infrastructure constructed and easements set up for that particular plan. That particular plan didn't happen. The plan we have tonight did. One of the conditions of the earlier application was to maintain certain easements until no longer needed and to grant the easements where the infrastructure is right now. We've been working with the Newton Water and Sewer utility, Mr. Dunn's office, and Ms. Iliff and her attorney and everyone has been very cooperative to get that done. We are cleaning that up a little bit.

Mr. Soloway questioned: Are you suggesting that cleaning up the outstanding conditions of the prior approval be made a condition of this approval?

Mr. Simmons stated: Yes. They are working on it. I've just reviewed some deeds and we are almost there. There was some language that I requested because what we found was there was still an existing water main that went beyond the easement to the back of the building and I wanted to make sure that the Town of Newton was not responsible for that main. It's not going any place now, but I just wanted to clarify it. The applicant's attorney suggested language. I forwarded that language to Ms. Leo because she's the Town attorney. We are working on getting a response and we are close to getting it done.

Mr. Simmons continued: With regards to the LED sign, I know we are talking about not changing the display any quicker than 15 seconds. Just so we're on the same page, we're not talking about any animation are we?

Ms. Iliff stated: No. There might be a photograph up with words on it.

Mr. Simmons stated: No. I'm suggesting a video

Ms. Iliff stated: No. But are you asking me not to do any videos at all? The primary use for that is not for any video or animation, but if I get the winning goal of the Newton Soccer team and I could put up a clip for one day, I would like to show that to celebrate events.

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Mr. Simmons questioned: Is the sign you are getting capable of showing video? Is it like a big screen tv?

Ms. Iliff stated: Yes. Our primary use is to use it as a sign and not a video.

Mr. Le Frois questioned: Is there anything in ordinance regarding videos as part of signing.

Ms. Caldwell stated: All kinds of moving, flashing signs are prohibited so that would fall into that category.

Ms. Iliff questioned: That's where I have had questions. When the ordinance says, moving or flashing signs. I thought of the sign actually moving. It's actually a video TV.

Mr. Soloway stated: A moving sign is not permitted. They would need an affirmative waiver from you to allow that.

Ms. Caldwell stated: The reason we want to limit one to 15 seconds is it's not flashing. So that's one of the conditions of changing. That is the only movement in my mind. Video would have to be specifically permitted.

Mr. Russo stated: I say no video. It's going to create accidents with the cars.

Ms. Iliff stated: I'm ok with that.

**Open application to the Public**

**1<sup>st</sup> Public**

Frank Leone, Christ Community Church: We share the property. Theresa and I spoke this week and came to an agreement on some things as far as traffic. As Mr. Russo alluded to before, access to Camp Iliff goes through our parking lot. We have looked, and Theresa's attorney has looked, and we are trying to find in the deed and the title the verbiage, the legal responsibility, as far as that right-of-way or that easement. It doesn't specify maintenance. When we talked, we talked mainly about the general flow of traffic with the customers but because of some things that were said tonight there are a couple of things that I want to inquire about. There are a couple of things that I overlooked like truck deliveries and delivery times. We own the Station House Plaza building. The second story is our church. The first story are four commercial tenants. We are not your typical church that just has Sunday hours we have concerns during the week as well for our tenants. When I spoke with Theresa we were mainly talking about the flow of traffic during the day, parking, wear and tear, maintenance, and we can come to an agreement on that. The one thing I wasn't thinking about was deliveries. As we were talking about that, for us the best thing would be before our business hours which are as early as 8:30 or 9 AM. Then hearing residents in the area I certainly understand their concern not wanting it at 6:15AM. I just wanted to bring that up as a concern that we would have because a large tractor trailer truck would be coming through our parking lot. If you're not familiar, about 8 or 10 spaces of our lot are on the far side of our lot and I don't know the technical term if it's an easement or right-of-way, comes right through to Camp Iliff. Along with the truck coming through would be that additional wear and tear. That's something that we're going to work on. It is no coincidence, as Mr. Russo pointed out that it looks like a bomb hit that part of our parking lot. It's the only part of our parking lot that looks that way and it's pretty evident why that is. The other concern had

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

to do with Sunday hours. Of course the buffet and the store would have Sunday hours. But that could be an extra issue for us. On Sunday morning, people start arriving at 9:30AM and we're done by noon. Again we have young children and a lot of people in the parking lot. With the increased flow of traffic on Sunday morning hours I just wanted to express a concern about that as it does cut right through the middle of our parking lot. Camp liff and us have had an outstanding relationship. I want to see Theresa's endeavors succeed but I felt the need to voice some of those concerns.

Mrs. Le Frois questioned Ms. liff: You are already getting deliveries via tractor trailers. How many times a week do you get deliveries?

Ms. liff stated: It could be once a week to once every two weeks. High season in the middle of the winter it's once a week. During the summer it's once every two weeks or so.

Mrs. Le Frois questioned: With the proposed change in use how do you see that increasing or not?

Ms. liff stated: I don't see it increasing. What I see is the trucks going to have more on it. When I say a tractor trailer, we don't fill a tractor trailer. We're just a little part of the tractor trailer that's getting unloaded.

Mr. Flaherty questioned: Is it possible to ask supplier's to limit it to a 30' box?

Ms. liff stated: I can't tell them what vehicle to drive when they already have 25 stops in the Town of Newton. When they delivered before I would have less in the summer and more in the winter. I can't specifically tell the suppliers I want my delivery at a certain time. There's a route. Sometimes we're stuck to that route. We haven't been able to get them on a Saturday.

Mr. Leone stated: We do see UPS and a 30' box truck. There was mention of tractor trailers. When I see the Sysco truck driving around it's usually something bigger so I'm thinking it might be something different, just for clarification.

Mrs. Le Frois stated: Right now with the primary use being day care, parties and entertainment how many kids on average are on site on a daily basis?

Ms. liff stated: Approximately 40 kids during the day for day care and then after school approximately 20 kids.

Mrs. Le Frois stated: So that is going to be reduced. The additional traffic coming from the restaurant and the store might be more but it's not going to be on top of the already 60 kids and families that are there. There's no longer a need for a parking variance because we've reduced the number of seats. The restaurant and store is open on the weekends and the day care isn't open on the weekends. Right now the entire building is open for birthday parties.

Ms. liff stated: On the weekends only 2/3 of the building will be open.

Mr. Le Frois questioned: Have you done any estimates regarding what kind of car traffic you expect through the restaurant and also through the dollar store?

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

Ms. Iloff stated: I didn't. With us it's seasonal. We're not changing much of what we're doing. We're just separating and telling everybody we're a restaurant now. We're going through the same traffic count we did. I definitely have a far higher seating capacity right now than what I will have once you approve this. We are definitely reducing our seating capacity by doing the restaurant.

Mr. Leone questioned: Our concern is mainly on Sunday morning. Brunch and dollar store opens at 9AM. There will be more traffic and we have pedestrians and children.

Mrs. Le Frois questioned: Where does most of your congregation park on a Sunday morning?

Mr. Leone stated: In our parking lot. We pretty much fill it up.

Mr. Soloway questioned: Ms. Iloff, would you consider opening a little later on Sunday especially given that the church may be one of your primary opportunities in terms of brunch?

Ms. Iloff questioned: What time is everybody there for services?

Mr. Leone stated: People are usually arriving at 9AM or 9:30AM and done by 11AM or 11:30AM.

Ms. Iloff stated: When we open, you will already be in service. So you will already have all the parking spaces.

Mr. Leone continued: My concern isn't our parking spaces. It's more the through traffic because we have children going through the parking lot. The concern is more about the increased traffic flow of people in a parking lot. Their driveway goes straight through our parking lot.

Ms. Iloff stated: I did hear about reducing the hours or moving the hours on Sunday's. I would have liked earlier hours so I could get the morning breakfast crowd. I tried to reduce a little bit to help out. The reason we're here after 10 years is that we need to generate more business for my building so I can pay my Newton property taxes. We've struggled over the years and at this pinnacle point for my business, I don't want to say I want to reduce the ability for me to make money because of a flow directly into my parking spot. I would like to point out that your parking is all this way in the front of your building and it's back here. I'm only asking to be able to enter my buildings after you are in service. So when you come out of service, that's the only time you're going to have issues with the cars coming in and children. So there are parking spots right here that will be affected. You do have a sidewalk that comes around and goes all the way to the back so nobody has to go through this flow right here. And that's for one day a week with us. So I want you to consider that in understanding why we're here and what we're doing with the building. The majority of time that a business makes money on a restaurant is a weekend. Friday, Saturday, and Sunday are the main days a restaurant makes money. I don't want to take away the reason that we came here to generate more revenue. The family entertainment center is open on Sunday now.

Mr. Badagliacca stated: There will be some increase, but there is already traffic on a Sunday because the funplex is allowed to be open on Sunday.

Ms. Iloff stated: I am not opposed to meet and work things out as we learn what it is going to generate. It might be quiet on a Sunday morning and busy during the week at lunches. I'm not

TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

sure. I just don't want to restrict anything at this point and find out that's when we would have made the money.

With no more public stepping forward, this portion closed to the public.

Mr. Soloway stated: The motion is to grant the minor site plan approval, sign variances, sign design waivers as previously discuss on these conditions: limit the seating to 90; the day care use would be Monday through Friday from 6:30AM to approximately 7PM. The restaurant would be 11AM to 10PM six days a week and 10AM to 7PM on Sunday. The retail would be Monday through Saturday 9AM to 9PM and Sunday 10AM to 7PM. All deliveries will be prior to 11AM. The message board will be turned on in conjunction with the parking lot lighting 30 minutes before opening until 11PM. A clarification on the design waivers on the sign is that there will be no moving on the sign. There will be no video on the sign. The brightness of the LED sign will be to the satisfaction of the Town Engineer. Item 5C VI of Simmons report; the foot candle condition. Fulfill all outstanding conditions for the prior approvals relating to the existing uses on the property and compliance with the recommendations set forth in the August 11, 2015 report by Mr. Simmons. The LED sign will change no more frequently than 15 seconds.

Mr. Le Frois stated: The one thing I'm a little confused about is the entrance.

Mr. Soloway stated: The entrance to the Iliff parking lot is by an easement or right-of-way that crosses the church property. That document exists. But it doesn't address the common questions of maintenance of the easement.

Mr. Badagliacca questioned: At the request of the TRC, we were told to provide the copy of the access easement. We did a search and found the recorded document but it doesn't specify anything about maintenance. It's very non-specific.

Mr. Soloway stated: I can read the access easement for you. It is two sentences. "Part of a regular deed together with the right to use an access easement through the remainder of lot 1.01 located to the north of the herein described lot, said easement being more particularly described in the deed for remainder lot 101." And interestingly for your information, it also says, "subject to a restrictive covenant regarding the herein described lot, the Sussex County engineer shall not issue entrance permits to the herein described lot or the remainder lot, either one, from County Route 616 or Sparta Avenue." So that's why they both go in where they go in.

Motion made by Mrs. Le Frois to grant the minor site plan approval including the sign and sign design waivers, all other agreements included as well as outlined by Mr. Soloway and specified and agreed upon by Ms. Iliff. Seconded by Mr. Ricciardo.

Aye: Mr. Flaherty, Mr. Russo, Mr. Hardmeyer, Mr. Ricciardo, Mrs. Le Frois, Mrs. Diglio, Mr. Le Frois

The motion is carried.

**DISCUSSION** - None

**CORRESPONDENCE** - Reviewed

**EXECUTIVE SESSION** - None

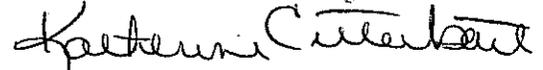
TOWN OF NEWTON  
PLANNING BOARD  
AUGUST 19, 2015  
MINUTES

PUBLIC PORTION - None stepping forward

ADJOURNMENT

Mr. Flaherty made motion to adjourn the meeting. Motion seconded by Mrs. Le Frois. The meeting was adjourned at 11:01 PM with a unanimous "aye" vote. The next regularly scheduled meeting will be held on September 23, 2015 in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart  
Planning Board Secretary