

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 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. Marion, Mr. Russo, Mr. Hardmeyer, Mr. Ricciardo, Mrs. Le Frois, Mr. Flynn, Mrs. Diglio, Mr. Hemschof, Mr. Le Frois,

THE SUNSHINE STATEMENT: Was read.

CONSIDERATION OF MINUTES

September 23, 2015 – Regular meeting

A motion was made by Mrs. Le Frois and seconded by Mr. Ricciardo to approve the September 23, 2015 minutes with corrections.

AYE: Mr. Marion, Mr. Hardmeyer, Mr. Ricciardo, Mrs. Le Frois, Mr. Russo, Mr. Flynn, Mrs. Diglio, Mr. Hemschof, Mr. Le Frois

The motion was carried.

RESOLUTIONS

**Newton Dunkin Donuts (ASPV-08-2015)
65 Sparta Avenue
Block 18.02, Lot 16
T-5 Zone**

Resolution granting amendment to previously approved plans to reflect changes required by the Sussex County Engineer's Office. The changes include the elimination of three parking spaces and to provide a stormwater overflow connection from proposed seepage pits to the County drainage system by the intersection of Sparta Avenue and Railroad Avenue.

Mr. Simmons stated: As you may recall, the Newton Donuts application was previously owned by Sussex Enterprises. Several years ago they came in for their site plan. As part of their site plan they had certain conditions for approval that they had to take care of. Mrs. Citterbart called me up and asked me if it was alright to release their escrow as far as engineering items goes. One of the comments I made was the fact that any miscellaneous site improvements that they may or may not have done if any is going to be a moot point because the Newton Donuts site is going to be razed and start over new anyway. The one thing I did find when I went through my review letter was that the previous applicant, Sussex Enterprises, was to deed pieces right-of-way to the Town of Newton on the corner of Railroad Avenue, along the County Road and a sight triangle easement. I did a quick search through the County Clerk's website and that had not yet been done. I brought that to this applicant's engineer's attention so they can work on that

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

and get that done. The one thing I did find online was some documents as far as notice of settlement between the parties. When I looked at the description of the lot online it more or less showed a rectangular lot that ran through the center line of Sparta Avenue. The right-of-way had not been shown as being deeded. I wanted to put that on the record as something we'll follow up on and get the appropriate parties to do. The map that they displayed at the hearings showed a radius return on the corner of Railroad Avenue and Sparta Avenue and a wider right-of-way than actually exists as we speak about it right now.

Mrs. Le Frois questioned: Whose responsibility is it?

Mr. Simmons stated: It's probably going to be Sussex Enterprises unless they've had some closing that I'm not aware of because the title and fee is in their name right now. There were some deeds made out years ago. They just were never fully reviewed. We have to review, then Mr. Soloway has to review and any changes that the County may have and then they have to make the dedication.

Mr. Soloway questioned: The application that you have before you tonight puts the obligation on Newton Donuts if Sussex Enterprises dropped the ball. There is a conviction in there that obligates Newton Donuts to comply with any prior resolutions relating to the property. That being said it's not something that I think we need to worry about. They weren't trying to evade responsibility. They did draft documents. Some of the outstanding items that are going to go in those documents were designed to implement County requirements so the County will get Newton Donuts when they are going to get their County approval. I don't think it's going to be an issue.

Mr. Marion questioned: Is the present owner supposed to be monitoring the soil under the mini mart that's there now?

Mr. Simmons stated: I believe this was brought up in one of our reports. They said Shotmeyer Brothers were responsible for the monitoring.

Mr. Flynn made a motion to approve the resolution as presented. The motion was seconded by Mr. Russo.

AYE: Mr. Marion, Mr. Hardmeyer, Mr. Ricciardo, Mrs. Le Frois, Mr. Russo, Mr. Flynn, Mrs. Diglio, Mr. Hemschof, Mr. Le Frois

The motion was carried. Resolution approved.

EXTENSION REQUEST

**Robert Occhifinto #PSPV-05-2012
42 Hicks Avenue
Block 20.02, Lot 1**

Meghan Ward of Kelly & Ward LLC is requesting on behalf of the applicant an extension for preliminary site plan with rear yard setback and parking variances approved on October 17, 2012.

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

Ms. Ward stated: As the Board recalls, this application for preliminary site plan was approved in 2012. My client did diligently pursue and obtain County approval, DOT and LOI. As I indicated in my cover letter, unfortunately the Permit Extension Act doesn't appear to apply to this area. As a precaution, I am requesting an extension. This is strictly a warehouse facility with minimal office space. My client owns it. He has not yet had the need for it. Although he does foresee that he will as his facility in Lafayette is full. So we are requesting a one-year extension based on the Municipal Land Use Law.

Mr. Soloway stated: There are two separate grounds for extension. One of them they probably don't need which is a mandatory extension if they're prevented from proceeding because of delays in obtaining approvals. It doesn't sound like that's quite what happened. There is also another section of the statute that allows the Board to grant either one or two one year extensions. Her client is unlucky. There are very few properties in Newton that are not covered by the Permit Extension Act. Most of the Town is.

Ms. Ward stated: As a caution and to protect my client I request an extension.

Ms. Caldwell stated: Within our center boundaries is covered by the Extension Act and anything outside of the center and when we did some negotiations with the DEP and received our plan endorsement, they did take out some areas on the edge of the Town or areas that have wetlands in it. Their property is one of them that's not within the center boundaries. You are correct to be here.

Ms. Ward stated: There are wetlands across the road and it is deemed environmentally sensitive.

Mr. Ricciardo made a motion to accept the request for extension of time. Motion was seconded by Mr. Russo.

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

Motion carried.

NEW BUSINESS

**PNC Bank, N.A. (PBSP-09-2015)
136 Water Street
Block 3.03, Lot 1, SD-3 Zone**

Diane Hickey of Riker, Danzig, Scherer, Hyland, & Perretti LLP is requesting on behalf of the applicant a minor site plan approval to install a second drive up ATM with related site lighting and variances for signage.

Ms. Hickey stated: This is what I hope will be a straightforward application for the existing PNC Bank branch at 136 Water Street. I have two witnesses.

Sworn in:

David Sudacai - Lapatka Associates Inc. 12 Route 17 North, Paramus, NJ. Project Engineer. He stated his credentials. His license is current. Board accepted his qualifications.

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

Dominic Macaluso – Dominic Macaluso Architect, 7 Village Court, Hazelet, NJ. Project Architect. He stated his credentials. His license is current. Board accepted his qualifications.

Mr. Sudacai stated: This will be marked as **Exhibit A1 dated on 10/21/2015 and titled "Site Plan PNC Bank" dated 9/9/2015 with a revision of 9/23/2015** and is colored for presentation purposes. 136 Water Street. The site is open on Water Street. It has approximately 234 feet of frontage along Water Street. The site itself is 0.791 acres, is located in SD-3 and is a permitted use. It's located on the westerly side of Water Street. To the north of the property is a Quick Check gas station and to the south of the property is an STS Tire and Auto Center. The existing conditions consist of 234 feet of frontage. Service is located on the easterly side of the building. There are two driveway entrances that access the site. The first one from the north is a two lane driveway with one lane entering the site and one lane exiting the site. The southerly driveway is a 2-lane driveway with 2 lanes exiting the site. Site circulation consists of counter clockwise circulation going around the building with two service lanes located on the westerly side and a by-pass lane. The easterly side consists of one lane that provides access to an existing ATM drive up and a by-pass lane on that side as well.

Mr. Sudacai stated: The applicant is proposing an additional drive-up ATM located on the eastern lane on the easterly side. They are also proposing a 5' canopy extension from the existing canopy. There's no proposed pavement or curb work associated with this. There's no change to circulation or parking. The State requires lighting requirements for ATMs. To meet those criteria we are proposing two light poles. They will consist of a 400 watt metal halide fixture with a mounted height of 22 ½ ' that provides the required foot candles that complies with the State standards for an ATM.

Ms. Hickey questioned: What is that standard?

Mr. Sudacai stated: Its 2' candles within 50' of the ATM.

Ms. Hickey questioned: What is permitted under the ordinance?

Mr. Sudacai stated: 16' are permitted. If you use the 16' it would require another light bulb. There is an existing light pole on the north side which is basically a utility pole with a cobra head type fixture. That's mounted at 28'. We feel that the two mounted at 22 ½' will be more in line with the existing one and provide better light with fewer poles

Mr. Marion questioned: How high is the canopy over the proposed 2nd ATM because if you're going to have holes in front of it, the canopy is going to shadow the ATM. Is there going to be proposed lighting underneath?

Mr. Macaluso stated: There is going to be lighting underneath the canopy as well. That will be the 10' candles required at the unit. The two poles will provide residual lighting around the area.

Mr. Marion questioned: It's not just for the ATM it's for the whole area?

Mr. Macaluso stated: The light poles are to meet the mandate of 2' candles within 50' of the unit and the lights mounted under the canopy provide the 10' candles to meet the mandate of 10' candles by the machine.

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

Mr. Sudacai stated: Also proposed on the site plan is the removal of three existing trees on the island because these trees would cast shadows and reduce the lighting. We are proposing to replace them with two new trees to comply with the ordinance. We are requesting a front yard setback variance. Zoning requires a minimum of 6' and a maximum of 18'. This existing canopy is 47' back and we're proposing to make it 5' closer to that setback, reducing the non-compliance by 5'.

Ms. Hickey requested Mr. Sudacai to give the Board a sense of what those light levels may be at the right-of-way line.

Mr. Sudacai stated: They would be in line with the lighting at the front of Quick Chek. I believe they are 2 ½ candles.

Ms. Hickey questioned: There is a comment about the existing tree trimming easement. I think its 25' from JC&L's easement. Will the proposed location of those replacement trees impact that tree trimming easement?

Mr. Sudacai stated: No, it will not.

Discussion ensued on landscaping.

Mr. Hardmeyer questioned: On the lighting, does the lighting from the adjacent properties count?

Ms. Hickey stated: The lighting has to be in the bank's control so only our site lighting would be able to contribute to that 2' candle requirement.

Mr. Hardmeyer questioned: What is the rationale for that additional lighting?

Ms. Hickey stated: Security for patrons accessing the ATMs. They want lighting under the canopy and then in a parking area within 50' of the ATM.

Discussion ensued on left hand turns.

Portion opened to public. No public stepping forward, portion closed.

Mr. Macaluso presented architectural drawings and stated: The bank would like to install a second ATM on the Water Street side. They want to turn that into a service lane. They would like to extend a canopy over that for protection in the weather. In lieu of extending the current gabled roof that is over that canopy, the bank has opted to go with a vinyl awning that would extend approximately 5' from the face of the current gable and it would be a width of approximately 11 ½'. It would be structured with a steel frame tubing system that's then affixed to that front façade and traditionally that comes with joints from the manufacturer.

Mr. Flynn questioned: So it appears that it's going to be higher than the existing awning to allow for truck circulation if they don't want to go to the ATM.

Mr. Macaluso stated: Correct. It will be higher than the current low point of the existing one. We had a conference after we received the engineering and planning letter and we opted to remove the second headroom sign. It doesn't seem to be necessary. The existing sign that's

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

there is a sufficient size and our canopy is at a higher elevation. It seemed redundant so we decided to eliminate it.

Ms. Hickey presented **Exhibit A-2, a rendering of the new canopy area, to the Board.** That rendering shows the proposed canopy as well as the proposed PNC lettering on the canopy.

Mr. Macaluso stated: We are proposing one new PNC Bank logo sign on the canopy itself that would measure approximately 8" high by 4' wide with 2.7 square feet.

Mr. Macaluso stated: Yes. That's correct. That would measure approximately 8" high by 4' wide with 2.7 square feet.

Ms. Hickey questioned: Along the southerly approach to the canopy is there one new ATM lane sign?

Mr. Macaluso stated: Yes. There's currently an ATM indicator, red and green. We are proposing to remove and replace that with an "ATM" sign with no logo or PNC and we are adding that same sign to the second lane. The dimensions of those signs are less than one square foot. We are replacing the headroom clearance sign with a smaller sign than exists now. The headroom clearance side would be 30" x 30" or one square foot.

Ms. Hickey questioned: Regarding wall signage, is there an existing PNC logo wall sign that's affixed to the ATM?

Mr. Macaluso stated: Correct. That is what they call the surround that goes around the ATM at the wall that measures 5'7" by 1'3" or 7 square feet. There is also a proposed PNC logo wall sign affixed to the new ATM correct? It is what they call a topper on top of the ATM and it is illuminated and has the banks lettering. It measures 3' by 1' or 3 square feet.

Ms. Hickey stated: According to the ordinance we are permitted one square foot of signage per linear feet of the façade. What is the total square feet of the signage?

Mr. Macaluso stated: The proposed signage is 10' where 40.78' is permitted.

Mr. Soloway questioned: Are you requesting any variances for sign area?

Ms. Hickey stated: No. Not for sign area. For number of signs, yes. Per the ordinance we are permitted two signs for the Water Street road frontage and one sign for the non-road frontage. How many signs do we have for the Water Street frontage?

Mr. Macaluso stated: There are two wall signs and one canopy sign, three in total.

Ms. Hickey stated: So, there is a variance for the number of signs along Water Street. What about on the southerly side?

Mr. Macaluso stated: If the ATM indicator light constitutes a sign then we are requesting a total of two illuminated ATMS and a replacement of the existing clearance for a total of three.

Ms. Hickey questioned: And there is no advertising on those signs? No PNC logo or lettering?

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

Mr. Macaluso stated: Correct. They will be mounted on the fascia?

Mr. Macaluso stated: Yes.

Ms. Hickey questioned: For the variance for the Water Street frontage, there is a variance for three signs where two are permitted. Two of those signs are on the ATM themselves, correct?

Mr. Macaluso stated: Correct. Both those signs are illuminated. The one that we're seeking permission for is non-illuminated. The purpose of those signs is to direct the patron to the ATM itself.

Ms. Hickey showed **Exhibit A-3 dated 10/21/2015, the topper**, and stated: This shows that topper and what it will look like. It's very similar to the one that's existing.

Mr. Soloway stated: I get that. Are you requesting a variance for the number of signs elsewhere?

Ms. Hickey stated: On the non-road frontage side there are three proposed signs. There is one new. The new ATM lane sign. We're proposing one replacement ATM lane sign and we're reducing the size of that sign. We are also replacing the existing headroom clearance sign.

Mr. Soloway stated: So none of the signs on the non-frontage side are advertising?

Ms. Hickey stated: Correct.

Portion opened to the public. With no public stepping forward, portion closed.

Mr. Le Frois introduced the review of the Board's Engineer and Planner reports.

Ms. Caldwell stated: It is pretty straightforward. There's the sign variance and the full height variance of the lighting. That's essentially it.

Mr. Simmons referenced his report dated October 14, 2015 and stated: On page 3, I'd like to point out that the lights that are being proposed are the shoe box type lights and not the ornamental ones.

Mr. Simmons continued: The other item I want to bring up, and I believe the applicants engineer would agree to this, is some additional trench repair details and some miscellaneous items, where they are going to stretch the conduit and the power to the new ATM.

Mr. Sudacai stated: We will provide those details.

Ms. Hickey stated: Just to address the other approvals required, I did speak to the Sussex County Planning Board this afternoon. They were able to confirm that the exception has been granted and the letter is in the mail. We will provide to the Board upon receipt.

Application opened to public. None stepping forward, portion closed.

Mr. Soloway crafted a motion for approval including two separate sign variances. One is to allow three signs on the Water Street side where only two is permitted and the other is to allow three on the non-frontage side. To allow the two 22 ½ ' poles instead of the permitted 16', to

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

allow a violation of the front yard setback for the canopy. This district has a minimum and maximum allowable setback. This substantially exceeds the allowable maximum. This actually moves it a little closer to compliance. It would also grant minor site plan/amended site plan approval to allow the proposed installation. Also, the standard conditions and the condition that they comply with item number 11A.

Motion made by Mr. Marion and seconded by Mrs. Le Frois.

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

Motion carried.

Natural Selection, LLC (MNSD-10-2015)

280 Spring Street

Block 18.02, Lot 31, T-4 Zone

Mr. Peter Donnelly, Esq. from Minter, Kelly, on behalf of the applicant, is requesting a minor subdivision.

Mr. Donnelly stated: The application before you is a minor site plan. I have my surveyor and Ms. Iliff is here today. Ms. Iliff owns the lot, but I do not intend to call her as a witness.

Sworn in:

David Swanson, a licensed professional surveyor in the State of NJ. His license is current. The Board accepted his qualifications.

Mr. Swanson referenced **Exhibit A-1**: This is a proposed minor subdivision with a revision date of September 30th, 2015. It was prepared by me and we are proposing a lot line adjustment by merging a portion of lot 31 with lot 23. No new lots will be created. The two lots are currently adjoining and we are moving the lot line on lot 31 closer to the building on lot 31 to decrease the size of lot 31 and increase the size of lot 23.

Mr. Donnelly questioned: By how much is lot 31 being reduced?

Mr. Swanson stated: By 25,584 square feet.

Mr. Swanson stated: The bulk requirements of both lots as revised now comply with the bulk requirements of the Town.

Mr. Donnelly stated: We are just moving a lot today. There is no proposal to do any construction, or parking lots, or lighting. Did you receive the letters from the Planning professional and the Engineer for the Town?

Mr. Swanson stated: Yes.

Mr. Donnelly questioned: What is going to be the new setback off of the building on lot 31?

Mr. Swanson stated: The rear setback to the new line will be 35'.

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

Mr. Donnelly stated: Is there any intention to remove the stormwater easement? The engineer's report suggested that we leave it in place for any future development.

Mr. Swanson stated: No. There is no intention to remove it.

Mr. Donnelly stated: The engineer's report also notes that Ms. Iliff's lot has an access easement to get to the public street down on Spring Street through her neighbors. I can confirm for the Board that lot 23 will not have use of that access easement. So lot 23 has access directly on to the County road and that is how they will continue to have access. The engineer's letter also referred to a stockade fence that encloses Ms. Iliff's yard. Most of that fence will remain because it abuts the neighboring residential lots. The one piece of the stockade fence that would give my client access on lot 23 would be removed. The engineer also asked about setting up a new fence between the two lots if the Board grants us new lot line relocation. Ms. Iliff intends to put a fence along the new lot line.

Mr. Simmons stated referencing the map: I would like to review the storm drainage easement with the Board. Before the Camp Iliff project was set up and developed there was going to be some housing down on this particular piece of property. When that housing was proposed there were various easements that were created. When that project didn't go forward the project obviously didn't get built but the easements were extended. When the Camp Iliff application came in one of the conditions of the site plan application was to follow through and vacate and dedicate new easements as appropriate to match what the development was actually going to be. If you recall a couple of months ago when Ms. Iliff came back that was one of the conditions that never was finished and that was a condition as something that had to get taken care of as part of her approval. Our office has been working back and forth with Ms. Iliff's new attorney to get those documents already set up and it was all ready to be vacated and dedicated as shown on the easements. Then at the last minute before it went before the Town Council we had the Technical Review Committee and we saw this subdivision. My concern for the applicant is if sometime in the future if they want to come in and make an improvement on this lot, the natural slope of the topography on this 25,584 square foot parcel is from the left to the right towards the Camp Iliff property. If they put more impervious coverage, where are they going to take the drainage to? My concern trying to plan for the Board and the applicant and to make the project work was we should not vacate that second storm sewer easement so that the applicant while looking at the appropriate language with Ms. Iliff on her remainder lot can go and tie in that storm manhole by the actual detention basin that exists out there today and have a place to discharge the storm drainage. The others could be vacated and dedicated as appropriate.

Mr. Donnelly stated: Another item you pointed out in your report is our need to go to the County. We've reached out to the County. We're preparing that application to get that approval from the County. So any approval tonight will be conditioned on getting approval from the County. The County approval comes about because we have access to our lot from the County road.

Mr. Simmons referenced his report and stated: On page 3, item 4b, regarding the second storm sewer easement. The applicant, just like Ms. Iliff when she was here before with the church on the next door tax lot had to make out a maintenance agreement, I mentioned in that comment about the applicant before you now and Ms. Iliff working in agreement as far as the maintenance and repair of the storm drainage system. It should be part of the document as well so that everybody is on the same page.

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

Mr. Soloway questioned: Does the easement have provisions for maintenance?

Mr. Simmons stated: It may not. That's why I bring it up now so the two parties can resolve this part of the application.

Mr. Soloway stated: I'm not sure they have to have a maintenance agreement now. Apparently the existing drainage easement isn't going to be abandoned. They don't have to do anything at this moment because they are not proposing to do anything at this moment. When it's developed they are going to have to have a drainage plan.

Mr. Flynn stated: The easement would remain but it would just be deeded to another person.

Mr. Donnelly stated: Yes. This acreage has easement rights to run to the storm sewer. This all has to be redone when we come in with a development plan.

Ms. Caldwell stated: It is a straightforward, variance free application. Besides the fence, are there any other changes that may take place at this time or is it status quo?

Mr. Donnelly stated: Once Ms. Iliff puts up her fence, we'll take down the stockade fence. We'll clean up the property a bit. No proposed structures at this point.

Portion of application opened to public. No public stepping forward, portion closed.

Mr. Soloway crafted a motion for a minor subdivision with no development proposed and the new lot will be subdivided and merged with lot 23 that Natural Selection also owns. It has to be a requirement of this approval because it will be landlocked because it doesn't have frontage. The map does propose that but it was not made clear in the initial application. If you are going to approve it, other conditions would be that the applicant will not be permitted to utilize the existing access easement that currently serves lot 31. Secondly, that arrangements be made not to vacate at least one of the storm drainage easements that were proposed to be vacated that Mr. Simmons alluded to so there is a future ability to have a workable drainage system. Most of the stockade fence will remain but the portion that connects the area being divided off with lot 31 is going to have to be removed. So there is a unity there.

Motion made by Mrs. Le Frois. Seconded by Mr. Flynn.

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

Motion carried.

HISTORIC RESOLUTIONS

**John Kweselait & Gercino Soares (#HPC-02-2015)
Block 8.09, Lot 5
Property Location: 178 Spring Street**

The Historic Commission has presented to us for consideration a recommendation to approve as presented the rehabilitation of the first floor façade.

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

Motion made to approve by Mr. Ricciardo and seconded by Mr. Marion.

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

Motion carried.

NEW BUSINESS

**John Kweselait & Gercino Soares (#PBSP-11-2015)
Block 8.09, Lot 5, T-6 Zone
Property Location: 178-180 Spring Street**

Wayne McCabe of McCabe & McCabe, LLC is representing the applicant in requesting a minor site plan approval to put eight (8) residential units on the 2nd & 3rd floors of retail property.

Sworn in: Wayne McCabe and Gercino Soares

Mr. McCabe stated his credentials. His license is current. The Board accepted him as a qualified witness.

Mr. McCabe stated: This property is located at the intersection of Spring Street and Adam Street and is commonly referred to as The Style Shop. The building was constructed in 1900. We are proposing two things. First, the commercial first floor will be divided into two. One side will be slightly larger than the other. We will balance the façade so that the two doors leading into the two commercial areas will be equally balanced in appearance. The areas will be used for commercial retail which is a permitted use in the T-6 zone requirements. Secondly, the apartments that used to be up on the second and third floors of the building were at some time in the last 60 years removed. We are proposing to put them back in again and use them as residential units. The plans were prepared by Art Onder Design from Marlboro, NJ. Sheet A1 reflects the first floor façade alteration along with first floor plans and Sheet A2 has the plans for the second and third floors. The plans for the second and third floors include three one bedroom apartments and one studio apartment on each of the two floors. The access to the two floors of apartments will be through a doorway on Adams Street leading up to the second and third floors. These corridors will be fire rated. Once with the UCC and the Building Rehab Code. We will be putting the building back into utility much as it was when the building was constructed 115 years ago. The building does not have a basement level. It has a windowless crawl space ranging between 3' and 5' in depth. The apartments are going to be high end apartments with custom cabinets in the kitchen and bathroom. The kitchen will have stainless steel fixtures, granite countertops, and hardwood flooring throughout with the exception of the kitchen and bathroom which will be tiled. The applicants have acquired a property at 81 Main Street in Newton and have retrofitted two of the apartment units in there with the same type of high end features. In terms of the uses, we are fully compliant with the Master Plan and the ordinances. There is one thing not depicted on the architectural plans that was discussed at the Historic Commission Meeting. In the two recessed areas leading into the first floor commercial areas there will be a light shining down to provide illumination for the recessed areas. Secondly, if you look at the architectural drawing on A1 of the doorway on Adams Street leading into the apartments there is a triangulated pediment over the windows on the second floor. It will go over the doorway leading into the apartments except that it will project out two feet. Thereby

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

providing protection from the elements. It will also have a light mounted on the ceiling of that unit much like you would have in the two recessed areas to provide light protection for people entering in and leaving the building. In terms of lighting on the site I would note that the site has street lighting both on Adams and Spring Streets. The Adams Street light is directly opposite the parking area in the back. It is extremely well illuminated and we are not proposing to have any additional lighting on this site except for the lights I just mentioned. We also discuss signage with the Historic Commission. Those will most likely be put over the door entrance area. There will be two gooseneck lights placed over the signage for illumination of the signs. Other than that it's the only site lighting we propose. Currently the building and the site we have 100% coverage of the lot in terms of impervious surface. The building is over the side and front yard setback lot lines and so we're not proposing any alteration or changes to that. In terms of any bulk requirements there are no alterations to that. In terms of parking, Ms. Caldwell had noted that the parking would be required and she provided on page 2 item b1 of her report the parking calculations indicating that a total of 17 spaces would be required, eight for the apartments and 9 for the commercial retail. In the case of the apartments the applicants are proposing to work and acquire daytime and overnight parking passes from the Town on a monthly or semi-annual basis for their tenants. But based on the requirements of the Town, we cannot obtain those permits until the occupants have taken residency and their driver's licenses and registrations can be registered to get those passes. As soon as someone rents out a unit and has a vehicle that they will be parking, they will take it down town and a permit will be attained for them. In terms of the commercial areas what we're looking at is one of the owners of one of the two commercial retail establishments will be parking in the rear of the building and the rest will be on either the street or the municipal parking lot across the other side of Adams Street from us. The only improvement that we're proposing on the site is the installation of a board on board fence that will provide an enclosure for solid waste and recycling at the rear of the property as depicted on the site plan. Mr. Simmons requested in his report that we should provide the depth of the concrete footing and the width. I would stipulate that it will be a one foot wide concrete filling and it will be four feet in depth. So that will be sure to go below the frost line. On the side of the building on the first floor on Adams Street there is vinyl siding and the applicant is proposing to remove that and make sure it has the same wood siding the rest of the building has. And the same on the back of the building where there is either a vinyl or aluminum siding.

Ms. Caldwell stated: In the T-6 zone is you have provisions in the ordinance to allow for off-site parking, shared parking obviously because we have so much municipal parking available. We want to allow the retail uses to utilize that parking and not create more parking on top of that. So the commercial parking is really covered by the parking that is already in the downtown. For residential what we ask is that they show us some dedicated space. In this case, both buildings don't so the applicants have agreed to purchase overnight spaces in the Adams Street parking lot which can be a condition of approval. There are nine parking spaces available in the Adams Street parking lot.

Mr. Ricciardo questioned: Regarding the dumpster area, are you proposing that the residential units and the two commercial units share that dumpster?

Mr. McCabe stated: Yes. It is a 4 yard dumpster.

Discussion ensued on dumpster.

Mr. Russo stated: We should stipulate that they aren't allowed to convert the apartments to section 8 housing or low mod?

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

Mr. Russo questioned Mr. McCabe: Will you be adhering to the new ordinance 2015-23 requiring certain locks and viewers on the doors?

Mr. McCabe stated: Yes. Each door will have a peephole and a chain lock. We will comply with the ordinance.

Discussion ensued on the fire escape, hot water heater, stoves, Mitsubishi systems, and sprinkler system.

Mr. Marion questioned: How will you have the snow removed from the Mitsubishi units? Are you putting them on a deck or just on the roof?

Mr. McCabe stated: That hasn't been determined yet, either. But it will have to be level. The owners will be taking care of the snow removal.

Discussion ensued on Mitsubishi units.

Mr. Hardmeyer questioned: What if you get couples, with two cars per unit?

Mr. Soares stated: We would provide one per lease. The tenant would pay for the second one.

Mr. Soloway stated: I have a suggestion on the HVAC. There is one of two ways you can go. Number one is to provide that any visible HVAC will be screened and located to the satisfaction of Mr. Simmons and Ms. Caldwell. The second, you could tell them to come back when they have figured out what they are going to do with it.

Mr. Marion stated: I'm concerned with the studio apartment if there is a fire you are stuck.

Mr. McCabe stated: I spoke with Joe Butto, the construction code and fire subcode official, and he said that for this reason the common areas have to be fire rated so that the walls between apartments would be rated and the walls in the common area will be rated.

Mr. Ricciardo questioned: Would the applicant consider sprinkling even though it's not required by code?

Mr. McCabe stated: There is an issue with the water supply.

Discussion ensued on waterlines.

Portion opened to public. No public stepping forward, portion closed.

Mr. Simmons referenced his report of October 16, 2015 and stated: The applicant has covered the items. Mr. McCabe and I have had discussions. I have also spoken with Mr. Butto regarding the fire issue. He indicated that under the rehab code, if the building is less than four stories and it's not a significant change of use then the various walls within the building have to be fire-proofed to certain ratings. There has to be smoke alarms and various alarms installed in various areas of the building. Regarding the waterlines, the applicant is not doing anything. I contacted the water department about the fire hydrant at the intersection of Spring Street and Adams Street and asked them to trace it out. That hydrant goes over to Adams Street off a 4"

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

main. When we did a flow test on it the flow came out at less than 100 gallons per minute. When you go to the next hydrant on that loop on Adams Street to Washington Street to Madison Street it's a very low flow.

Discussion ensued on water flow, water mains and hydrants.

Ms. Caldwell referred to her report and stated: I think in the function about the setbacks. New survey that has the actual setbacks and some differentiation between the survey and the site plan. Regarding the garbage area, will there be recycling facilities there?

Mr. McCabe stated: Yes.

Ms. Caldwell questioned: Who will the hauling contractor company be, and how frequent is the pick-up and will it interfere with the parking space at the rear of the building?

Mr. McCabe stated: We have not contracted with anybody yet, but once we do they will determine how much will be generated. That space is for the commercial tenant and it will be coordinated so that they will not be there at the same time as pick-up.

Ms. Caldwell questioned: Are you aware that you will need to apply for zoning permits for any signs?

Mr. McCabe stated: Yes.

Portion opened to public. No public stepping forward, portion closed.

Mr. Soloway crafted a motion to grant minor site plan approval with the condition that the applicant be required to obtain day time and overnight parking for any residential tenants who want them up to 8 total, the HVAC and any outdoor utility installations will be installed on either the smaller back roof or the higher roof and should be screened and installed in a location to the satisfaction of the Town engineer, will provide the location of any recycling facilities to the satisfaction of the Town engineer, that all residential units be market rate, the applicant will provide an as-built survey, obtain approval from the Department of Public Works for the ability to provide water and obtain Utility Advisory Board approval.

Mr. Marion made a motion to approve. Motion seconded by Mr. Ricciardo.

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

Motion carried.

Mr. McCabe requested that the 30 day rule to adopt the resolution be waived so the applicant can proceed with the work at his own risk.

Board granted the request with the understanding that the applicant does so at his own risk.

DISCUSSION - None

CORRESPONDENCE - Reviewed

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 21, 2015
MINUTES

EXECUTIVE SESSION - None

PUBLIC PORTION - None stepping forward

ADJOURNMENT

Mr. Ricciardo made a motion to adjourn the meeting. Motion seconded by Mrs. Diglio. The meeting was adjourned at 9:45 PM with a unanimous "aye" vote. The next meeting will be held on December 16th, 2015 in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary