

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
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. Hardmeyer, Mr. Ricciardo, Mr. Russo, Mrs. Le Frois (arrived late at 8:55pm), Mr. Hemschof, Mr. Le Frois

Excused: Mr. Flynn, Ms. Member, Mrs. Diglio

**THE SUNSHINE STATEMENT:** Was read.

**CONSIDERATION OF MINUTES**

March 16, 2016

A motion was made by Mr. Riccardo and seconded by Mr. Marion to approve the March 16, 2016 meeting minutes with one correction.

AYE: Mr. Marion, Mr. Hardmeyer, Mr. Ricciardo, Mr. Russo, Jr., Mr. Hemschof, Mr. Flaherty, Mr. Le Frois

The motion was carried.

**HISTORIC RESOLUTIONS**

Vegas Holdings LLC (HPC-01-2016)  
Block 8.08, Lot 20  
116-118 Spring Street

HPC recommendation to approve rear building alterations with approved Appendix A – Alternate Material List of Materials

A motion was made by Mr. Russo and seconded by Mr. Marion to approve the Historic Commissions recommendation for alterations to the rear of the building.

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

**RESOLUTIONS**

Sussex Car Wash, LLC d.b.a. Chuck's Car Wash, Inc. (#MV-01-2016)  
Block 9.03, Lot 14  
115 Water Street

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

SD-3 Zone

Resolution granting a minor site plan and d2 use variance approval with the proposed expansion of the car wash.

**A motion was made by Mr. Ricciardo and seconded by Mr. Russo to approve the resolution.**

**AYE: Mr. Marion, Mr. Hardmeyer, Mr. Ricciardo, Mr. Russo, Mr. Hemschof, Mr. Le Frois**

Newton Dunkin Donuts (# APFSPV2-03-2016)  
Block 18.02, Lot 16  
65 Sparta Avenue  
T-5 Zone

Resolution granting a second amendment to the site plan approval.

**A motion was made by Mr. Marion and seconded by Mr. Russo to approve the resolution.**

**AYE: Mr. Marion, Mr. Hardmeyer, Mr. Ricciardo, Mr. Russo, Mr. Hemschof, Mr. Le Frois**

**DISCUSSION**

Newton Pool

Deborah Danielson, the Recreation Supervisor for the Town of Newton, is sworn in and stated: McKee Foods which owns Lil Debbie Snack Cakes approached me with a \$20,000 grant to build an outdoor pavilion to promote the outdoor happiness movement. McKee Foods is doing 50 projects in 50 states over the next 5 years. As soon as we get all the paper work signed the Town of Newton will be listed on this map. I'm asking for it to be built at the pool. In the packet is a little history.

Mrs. Danielson shared the history of Drakes Cakes and Lil Debbie Snack Cakes in relation to Newton.

Mrs. Danielson stated showing the picture of the pavilion: It's going to be a 24'x36' outdoor pavilion that is going to hold 12 picnic tables. It will be in the grass area of the pool within the fenced in area behind the DPW complex. Pioneer Pole Barns is the company that will come and do it.

Mr. Ricciardo questioned: Where will the pavilion be located on the map?

Mrs. Danielson stated referencing the map: This is the swimming pool here, there is a grass area and this is the DPW complex, and this is the salt shed. Inside this fenced in area where the kids currently play soccer or volleyball which has lost its momentum is where the pavilion is going to go. We do activities every year but we're limited in space so this will help with the spacing issue. Recreation events can be held under there and it frees up the other areas for birthday parties.

Mr. Soloway stated: Since this is a capital improvement project the Board's task on these as a courtesy hearing is to review and make any recommendations in conjunction with the Master Plan. Then the Council can't act in less than 45 days from the referral. If you are favorably

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

inclined toward it, somebody should make a motion to find the project not inconsistent with the Master Plan.

**A motion made by Mr. Hemschof and seconded by Mr. Ricciardo to find the project not inconsistent with the Master Plan and to recommend that it be completed.**

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

**Motion carried.**

**OLD BUSINESS**

Town Square Gardens (#APSP-02-2016)  
Block 5.04, Lot 5 & 7  
7 Cherry Street & 64 Mill Street

Applicant requesting amended preliminary site plan approval for the relocation of an emergency access (carried from March 16, 2016)

Neil Flaherty has signed an Affidavit of Hearing to be able to participate in the voting on this application.

Craig Alexander, Esq. of Dolan & Dolan is representing the applicant.

Mr. Alexander stated: Last meeting we finished the engineering testimony. Tonight we have the architect who has revised the plans according to the Board's Professionals inclination towards the plans.

Mark Stefanelli, 301 17N, Rutherford, NJ, is a licensed architect in the State of NJ and his license is current. The Board accepted his qualifications.

Mr. Stefanelli stated: I have revised the design in line with the Board's wishes and comments from the Planner. Those were submitted and you have them for this meeting. Upon a subsequent request from Ms. Caldwell I have revised the rendering once again to keep it more in line with the Zoning Ordinance, the Board's wishes and requests from the Planner.

Mr. Soloway stated: Mark the architectural plans as Exhibit A-4 which consists of one sheet and mark the renderings as Exhibit A-5.

Mr. Stefanelli stated referencing Exhibit A-5: What I've done differently from the original design is add gables to the left side of each of the units which breaks up the overall long façade. There are no units that are more than six units total. As you know, the site slopes down so another element that we introduced was the stepping down of each of the roofs. So the slope of the grade slopes down about one to two feet every 20 or so feet so by stepping down the roofs it creates the break in the roof line that the Town was looking for. So the roof stepping down breaks up the horizontal. More architectural features were encouraged so we added shutters, window trim, grills in the windows, and front porches. The first rendering was all brick so we've introduced some siding so you have a mixture of brick at the gable and the base which is very maintenance free and durable. We broke it up with siding at the upper level which has a small cantilever. The cantilever is aligned with the roofs that cover the doors entering the units. This

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

door on the left is the door into the first floor. The door on the right is to go to the second floor units. So you have two doors separated but under the same roof. We've introduced a sunburst which is a very colonial feature, a soldier arch and a keystone above each of the arches.

Mr. Stefanelli continued: There are three different building types, A, B, and C on the site plan. In a double unit I tried to keep the repetition of the gable so if you look at the plan you'll see each unit has a gable to the left. One of the ordinances states that all roofs must comply with 9 on 12. But 9 on 12 with the main roof might make this too high. So this is a 7 on 12 and the gable everyone can see is a 10 on 12. Further up the hill is a smaller unit made up of two units with a simple gable to the left. With this unit we used the same kind of gable with a small pediment with columns. You have a shed roof with three columns. Here you have a pediment with two columns. This is trying to keep with the colonial look. Thirdly, another response was the original application had HVAC units which were attached to the front of the building. These units would have been below every single window. After speaking with the builder he is willing to put the units inside the building. It will be a split system. A split system has a heating unit in each of the floors and to the rear would be dual condensers behind each one of the units. If you look at the plans to the left of the drawing you can see on the first floor plan you will see a double unit so we will have pairs of units. The back of the units still have to be addressed. In trying to be financially responsible we are putting the details more to the front. You can see the elevation of the approximate location of where the air conditioning condensers will be located. In a split HVAC system you have a blower located in the unit but something has to turn the unit cold. So you have the condenser on the outside and the heating on the inside. The condensers will be paired up since they are double units.

Mr. Ricciardo questioned: Where will the lines run from the condenser; on the outside of the units?

Mr. Stefanelli stated: I don't have that detail yet.

Mr. Ricciardo questioned: How many interior units will there be in each one and are they ceiling or wall mounted?

Mr. Stefanelli stated: In building A on the lower level you can see a mechanical room behind the stair. On the upper level there is a mechanical room located within the stairs to the front of the stairs. In unit B you can see the room located to the back of the stair and below the stair. And you can see the HVAC units located on the plans. In unit C you can see the mechanical room located near the bathroom.

Mr. Ricciardo questioned: Will you run duct work?

Mr. Stefanelli stated: Yes.

Mr. Stefanelli continued: Another statement made by the Planner is that the sidewalls were very blank. So we've incorporated some windows and shutters, and a small gable vent along the sides. I've also listed a brief schematic of approximate typical materials. The exterior finish will be a standard brick with red vertex ranging from red, black and grey. The siding will be vinyl and tan or beige in color. The windows will be sliding and suitable for egress at the bedroom and living room and a series of smaller aluminum casement windows. The trim is white. Roofing will be a 25 year asphalt shingle roof grey in color with white fascias and soffits. The steps will

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

have brick veneer with limestone treads and the sidewalks will be concrete. The parking lot will be black top with white stripes. And that summarizes my changes.

Mr. Marion questioned: Are the brick and siding flush on the front of the building or does the brick come forward a little bit?

Mr. Stefanelli stated: The brick comes forward 2' and the side veneer comes out 1'. So there is a foot difference. The roof will have a 3' overhang.

Mr. Le Frois questioned: One of the things we were talking about at the last meeting was the access road that goes right up against the rear of building C. We questioned would the units have a rear access and if so can people walk to the access road. But it looks like there is no rear access. Is there anything planned in the rear like a patio or anything?

Mr. Stefanelli state: Not to my knowledge.

Mr. Simmons stated: In regards to those five C type buildings, if the compressors are in the back of the building then we've got a conflict with the access drive.

Mr. Goetz, the engineer, was previously sworn in at the last meeting and he stated: The access drive is a 12' wide paved strip with a 20' wide area. Centered it would be a 4' green strip on either side. The slabs needed for the HVAC units will be less than 4'. It's a detail that we still need to work out. Maybe we will need to shift the access road 1' to make it 5' on that side. I feel it is a detail that we can certainly work out.

Mr. Le Frois stated: Maybe a guard rail along there would be useful to keep vehicles from hitting the building.

Mr. Marion questioned: Wasn't there going to be a retaining wall?

Mr. Getz stated: The retaining wall is the building itself. So the area between the edge of the drive and the building is flat.

Mr. Simmons stated: Basically the rear foundation wall of those 5 units C and the unit A is a retaining wall. So that rear foundation wall has to be a structural wall. That's one of the reasons why if the Town agrees to vacate Center Street we don't want to be a part of being responsible for the lateral support for that foundation.

Mr. Hardmeyer questioned: Do these have basements?

Mr. Getz stated: No basements. It is slab on grade.

Mr. Hardmeyer stated: The drawings all show basements.

Mr. Getz stated: It was my understanding that there are no basements but there are basements stated on the site plan. We will need to work out the details on that.

Mr. Simmons stated: A lot of the infrastructure has been set up and I don't remember which way it's been set up. I know there's been charts on other plans that Mr. Getz has prepared that there

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

are conflicts between the storm sewer, the water main, and the sanitary sewer and laterals. Two of them are drain pipes. I'd have to go back and check that.

Mr. Getz stated: There may be situations where because of the grade slopes this slab is higher than the exterior grade. So there might be a crawl space.

Mr. Ricciardo stated: If you take the elevation on building A, the grade that's designated at the roadway is 52 and the finished elevation is 51.5. You've got 54, 53.5. You've got 56, 55.5.

Mr. Hardmeyer questioned: Why are you still having these issues after 10-12 years and you want a quick approval for your extension?

Mr. Ricciardo stated: I have a concern that you didn't address the rear of the building and you only put shutters on the side.

Mr. Stefanelli stated: That can be addressed. I can add similar features that I've added to the front to the rear. We can add siding, shutters and trim as long as it is financial feasible.

Mr. Ricciardo stated: I also have a concern that the emergency access road will become a play area or a bbq area for the people living there.

Mr. Le Frois stated: If cost is a concern, maybe tone down the front a little and spread it around the whole building.

Mr. Stefanelli stated: We'll do that.

Mr. Ricciardo questioned: Is it light frame construction?

Mr. Stefanelli stated: It could be standard stick frame. Tresses would work well here. It depends how he wants to build it financially and how to get the lumber on to the site. All these buildings have to have a detailed set of construction documents before we can build anything.

Mr. Ricciardo stated: The reason I ask is because in Edgewater there was a building with light frame construction that burned down completely. Afterwards, the State strongly recommended that any multi-unit dwelling that is light frame construction should be sprinklered. Is that being considered?

Mr. Stefanelli stated: If that is a requirement or concern I will speak to the builder regarding that and follow all the codes necessary. I believe I have a double fire-graded wall as opposed to masonry.

Mr. Ricciardo questioned Mr. Simmons: Is there sufficient water if they determine that they need a sprinkler system with light frame construction?

Mr. Simmons stated: The additional water from volume and pressure stand point is an 8" line from Shady Lane. This property is at the upper end of the low pressure zone. They didn't have it from the low pressure side. So they had to run a line down Shady Lane in to the site. That property has been deeded to the Town.

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

Mr. Ricciardo stated: You have to come back to tell us if you will have a basement. Since its light frame construction are you going to put in a sprinkler system? And what will you do to prevent the access road from becoming a playground for the complex. And what will you do with the rear and side of the complex.

Mr. Stefanelli stated: I will address all the code issues that need to be addressed. As far as sprinklers, code requirements, and fire ratings all these buildings need to be brought up to code. As far as the rear elevation, I can address with the builder to make the windows uniform and the same all around. As far as the access lane, I think we addressed that by not making any patios, sliding doors, or balconies. It seems like it is going to have a little bit of a drop anyway. Maybe there could be fencing to eliminate the tenants from going around the building.

Discussion ensued.

Mr. Hardmeyer questioned: Do you have any LEEDs Certifications incorporated into your plans?

Mr. Stefanelli stated: No. But if that is required we can contact the necessary individuals.

Mr. Soloway stated: They have preliminary approval from 2004. But the approval did not include anything architectural. That was a condition. So there is no existing approval related to architectural plans.

This portion opened to public.

1<sup>st</sup> Public: Ed Skorski at 15 Hillside Terrace. Why isn't it being addressed that there are woods back there and it will all be gone once the apartments come in and will affect the quality of life of the residents. I don't remember it being approved. How was it approved?

Mr. Soloway stated: It received preliminary approval in 2004. With the combination of two factors: one they applied for a received an extension, and number two: there is a State statute called the Permanent Extension Act. As a result of those two factors the preliminary approval is still valid. They have vested rights in what was approved back then. What they are here for on this application is to amend or change a few aspects from the original approval. Most prominent of which is the relocation of the emergency access drive. What is also happening, since it was so long ago and none of these Board members were on the Board then and not to be sounding critical, it was a little less detailed. The most prominent detail when it was originally approved there were no architectural plans submitted. It was a condition of the approval that the applicant submits architectural plans to the Board and that didn't happen until two weeks ago. The Board is reacting to that for the first time and appears to have some issues.

Mr. Skorski questioned: At this point, is there nothing that can be done by anyone who lives there that will change these being built?

Mr. Soloway stated: If they comply with the requirements of the preliminary approval and the other ordinance standards that are relative to what they are doing as a part of this application, then no.

2<sup>nd</sup> Public: John Skorski at 15 Hillside Terrace. How is the privacy going to be addressed? How is drainage going to be handled? Will there be standing water that breeds mosquitos? How is the access road going to be addressed? Also, there are already apartments in Newton not being rented out. We need to bring in business. How does this affect taxes? Also, in 2004 there were

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

too many variances. Why has it taken 12 years? Why is there confusion with the basement? Also, what will the noise be with the units outside of the apartments? There might be an issue with the noise ordinance.

3<sup>rd</sup> Public: Jennifer Skorski at 15 Hillside Terrace. Concerned with how garbage will be handled?

No more public stepping forward. This portion closed.

Mr. Getz stated regarding landscaping: We have a landscaping plan but it doesn't include perimeter screening or fencing. We can discuss that with the applicant and that would mitigate privacy. Regarding the comment on mosquitos; the stormwater basin will not stay wet at all times. It will store water temporarily during a run off event. But it's not going to hold water so it will not be a habitat to breed mosquitos. Regarding refuse collections, we show them on our plans and there are plantings around those.

Mr. Marion questioned: How do you plan to break through the shale?

Mr. Getz stated: No blasting. Just hammering.

Mr. Stefanelli stated regarding the HVAC units and the noise level: If you notice the back of the units are located at least 30' away from any other properties. There aren't any residents close to the units.

Mr. Le Frois questioned: Are residential units rated at a certain noise level?

Mr. Stefanelli stated: I am not really qualified to answer that, but I live in a suburban area and a lot of my neighbors are three feet from the property line and it's something that you live with in a suburban area. This situation is better though because you are at least 30' from the condensers.

Mr. Ricciardo stated: I have a split system in my house and the condenser is mounted on the addition roof which is adjacent to the bedroom and I never hear it.

Mr. Getz stated: With landscaping and screening it can buffer the noise.

Mr. Le Frois questioned the garbage dumpster.

Mr. Getz stated: The dumpster is at the end of the lot. The garbage truck either backs in or is a front loader and the dumpster will be enclosed.

Mr. Ricciardo stated: Regarding the enclosure for the dumpster. It needs to be more stable and secure than a wooden enclosure.

Ms. Caldwell referred to her report dated April 14, 2016 and stated: Reviewing the original and second submittal of architectural plans that were submitted after the last meeting, I went through 8 items. They are addressing the windows, the roof pitch, making more prominent entrances, adding light fixtures, mixing the façade materials, I had a comment on building colors. The building colors should vary. I talked about utilities. Mr. Stefanelli addressed all the comments except for what the Board brought up regarding the rear elevations and the colors. We had a discussion after the initial illustration and the most recent one addressed the bulk of my comments except for those two items.

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

Mr. Stefanelli stated: I did mention that the siding would be tan or beige. One could be white or off white. It's easily addressed. Personally, you have to be very careful how that's done. I've seen it where they draw a line down the middle and make one burgundy and one yellow and it doesn't look good. It has to be tastefully done with colors that match one another. One other thing, we did show light fixtures. We included some colonial light fixtures adjacent to each entry door. It helps the elevation and the look.

Discussion ensued on the architectural plans.

Discussion ensued on the drainage.

Mr. Hardmeyer questioned: I would like to know how much material will be trucked off-site. It will go down a very steep road. Secondly, could you give your best estimate how this material will be removed? How much hammering are we talking about?

Mr. Soloway stated: We want more information on the whole buildings, i.e. what the rear and sides of the building will look like. As well as possible addition of fencing, more definition on landscaping, basements, noise level from condensers, Dave Simmons will recheck grading, some kind of estimate on how much material will be trucked off site, information on possibly having a guard rail between the new right-of-way and the C building, more information on cuts and fills, and the hammering.

Mr. Le Frois stated: This application has been carried to May 18, 2016 at 7PM with no further notice required.

Mrs. Le Frois arrived at 8:56PM.

**NEW BUSINESS**

19 Merriam Avenue, LLC (#MSPV-04-2016)  
19 Merriam Ave.  
Block 22.02, Lot 3  
T-3 Zone

Applicant is requesting a certificate of pre-existing non-conforming use or in the alternate a use variance approval for a six (6) unit multi-family residential use and expansion of a non-conforming use with the addition of 25' front porch.

Mr. Morgenstern of Dolan & Dolan is representing the applicant Mr. John McChesney. The applicant is requesting that the application be carried to the next month with the exception of one factual witness testifying tonight, Faye Chiu of Horzuntiger Holdings.

Mr. Soloway stated: The testimony is relevant only to the certification of the pre-existing non-conforming use aspect of the application. Mr. Morgenstern is not expecting a vote on this tonight. It is just an availability problem of the witness. He will ask to carry and he will come back next month.

Sworn in: Faye Chiu of Horzuntiger Holdings, 45 Monager Street, Jersey City, NJ

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

Mr. Morgenstern questioned: Are you the sole member of Horzuntiger Holdings LLC who sold this property to 19 Merriam Avenue LLC? And you signed this certification that the Board members have in their packet? Is everything in this certification true?

Mrs. Chiu stated: Correct.

Mr. Morgenstern questioned: Did you purchase the property in 2001? Do you have the listing agreement from the realtor before you bought?

Mrs. Chiu stated: Yes. This is the listing.

Mr. Morgenstern introduced the listing agreement into evidence to the Board and it was marked as Exhibit A1.

Mr. Morgenstern questioned: When you owned and operated the property did you use it as a six unit residential building?

Mrs. Chiu stated: Yes.

Mr. Morgenstern questioned: In 2011 did you take out building permits and have the interior of the building gutted and were going to renovate and restore the six units but were unable to complete them due to financial considerations?

Mrs. Chiu stated: Correct.

Mr. Morgenstern questioned: Did you plan to abandon the six unit use of the building?

Mrs. Chiu stated: No.

Mr. Morgenstern questioned: Then you deeded the property to 19 Merriam Avenue LLC on November 3, 2015. Correct?

Mrs. Chiu stated: Yes.

Mr. Flaherty questioned: So it's been vacant since 2011?

Mrs. Chiu stated: Yes.

Mr. Hardmeyer questioned: When it was occupied did you have six tenants?

Mrs. Chiu stated: Yes. It was fully occupied when I purchased it and it continued that way until the renovations in 2011.

Mr. Flaherty questioned: Was there a fire there that caused a tree to fall on the house?

Mrs. Chiu stated: No. There was a storm and we needed to put on a new roof.

Portion opened to public. With none stepping forward, this portion closed.

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

Mr. Soloway stated: This application will be carried to May 18, 2016 at 7PM with no further notice required.

Krogh's Brewing Company (#MSP-04-2016)  
Block 16.03, Lot 7  
56 Paterson Ave.  
T-3 Zone  
Applicant is requesting a minor site plan.

Mr. and Mrs. Le Frois recused themselves as Mrs. Le Frois has a conflict with the applicant and her non-profit agency. Mr. Marion took over as Vice Chair.

William Haggerty of Dolan & Dolan is the attorney for the applicant. Jason Dunn of Dykstra Associates has prepared the plans. Mr. Robert Fuchs is the owner of the project.

Mr. Haggerty stated: This is a permitted use. We've dove tailed the project with the zoning that is applicable to the property in redevelopment that specifically recognizes brew pubs as a permitted use. We want to emphasize what a brew pub is not. It is not a restaurant or bar. There are certain restrictions within the zoning ordinance for this particular site but also in the regulations governing brew pubs that control how we can operate the facility. The regulations include a prohibition against the sale of food, we can't have entertainment there, videos, TV monitors. We have an area where people can come in and taste the product that is produced there. It is a much less intense operation than people might at first think when hearing the term brew pub. We do not propose a great deal of exterior changes. There are two silos proposed that will not be used initially. We are showing that in anticipation of future product and productions. We have sidewalks and signage that complies with the ordinance. We propose a fence to help screen this from the neighbors. I would like to call our brew master to explain operations. Then we will talk to the architect and the proprietor.

Sworn in: Jason Dunn from Dykstra Associates at 11 Lawrence Road, Newton.  
Carl David Cooper from Krogh's Restaurant & Brew Pub is the Brew Master.  
Chris Wolverton from HQW Architects at 124 Main Street, Newton. Licensed in NJ and NY. His license is current. The Board accepted his credentials.  
Blake Ellman 3 Christina Court, Chester, NJ. Co-owner.

Mr. Ricciardo recused himself due to the perception of a potential conflict.

Mr. Haggerty handed out Exhibit A1, a Google Map of 56 Paterson Avenue from September 18, 2013 which he had downloaded.

Mr. Cooper explained how the brew process works: I have done brewing for over 17 years. The grain will be stored here. It will come in in 55lb bags on pallets. I anticipate once a month deliveries of grain on a regular tractor trailer. If we do get into bigger production we will start using the silos and that will be once a month as well. From the grain room we will mill the grain and get it ready to be stored in the hopper. There's a mill there called the grain mill. Everything will be contained inside. From there it's going to go to the mash time where we mix it with water. It changes to carbohydrates and fermentable sugars. That process takes an hour to an hour and a half. Now we move it to a water time where we add more water to rinse the sugars off. That's a 2 hour process. Then it goes to the brew kettle where it will be between an hour and an hour and a half depending on the style of beer. There we'll add hops and other spices

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

depending on the style of beer. It will go in the whirlpool, rest, and then go through the heat exchanger where it will bring the temperature down, and then we'll put it in a fermenter for three to five weeks. That's it.

Mr. Haggerty questioned: Is there a period when there will be steam produced?

Mr. Cooper stated: The steam will come off the brew kettle for approximately an hour and a half per brew. We will brew twice a day. The smell will be a light oatmeal smell. There is no beer smell at this time. Its water until the yeast is added.

Mr. Haggerty questioned: So there are two periods daily that could have an hour and a half of odor. Is that the same odor that Krogh's in Sparta produces and have you had any complaints there?

Mr. Cooper stated: It is the same odor and we have not had any complaints.

Mr. Haggerty questioned: How would the operations be different if the silos are used?

Mr. Cooper stated: It is basically the same operation but instead of the bags it will be delivered directly into the silo. We would still need bags to supplement but it wouldn't be an increase of heavy trucks coming in.

Mr. Haggerty questioned: In the floor plan you show a tasting room. Is there a capacity in that tasting room?

Mr. Cooper stated: 50/50

Mr. Haggerty questioned: Could the interior floor plan change in terms of where you have the tanks and the components?

Mr. Cooper stated: No. That will stay the same. Where you see "future" it means production increases and it calls for more fermenters.

Mr. Haggerty stated: The proposal is calculating 50 occupants maximum for the tasting room. If I went to visit the facility in operation what would I have to do?

Mr. Cooper stated: In order to be served in the tasting room you will have to take a tour for the first time. We will explain the process and answer any questions. They will then be returned to the tasting room where they can sample the product if they wish. At this time we are not canning or bottling, but yes you could buy a keg. We can only sell what is manufactured there. No food, no entertainment, no TV, not video games. You can just take a tour and then sit and sample.

Mr. Hemschol questioned: What is the tasting size?

Mr. Cooper stated: You can get a flight which is basically a 5 oz. sample. We'll be able to do pints and regulate that depending on the strength of the beer. For a stronger beer we won't serve it in a pint.

Mr. Marion questioned: How did you come up with 50 seats per tasting room?

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

Mr. Cooper stated: Based on other breweries.

Mr. Marion questioned: How often do the CO2 tanks outside need to be replaced?

Mr. Cooper stated: Initially we will be having the CO2 tanks inside until there is a need to have a larger bulk tank outside. It's based on the size volume that we do. It's once a month delivery depending on business.

Mr. Hardmeyer questioned: In the drawing the silo is 29' 6" but I see proposed on Ms. Caldwell's report that it's 34' 6". Which is correct?

Mr. Cooper stated: I will have to defer to someone else on that. The silo size is based on what we would use in a 3 month period of time. There is one truck load per silo.

Mr. Haggerty stated: Regarding the hours of operation of the tasting facility. The maximum hours would be 12PM to 10PM on Sunday through Thursday and 12PM to 11PM on Friday and Saturday. We anticipate the initial hours could be 4PM to 9PM Tuesday through Thursday and 12PM to 11PM on Friday and Saturday, and 12PM to 4PM on Sunday.

Mr. Haggerty questioned: How many employees are required to run the brewery?

Mr. Cooper stated: On my end of the brewery about two employees. Even amping up the production I wouldn't anticipate more than six or eight in the brewery end. I can't talk about the tasting end because that's not my area.

Mr. Haggerty questioned: What about waste product?

Mr. Cooper stated: We save the grain and let farmers pick that up so there's no garbage disposal. We have a farmer who picks up our grain at Krogh's in Sparta. On the plan you see the door opening. I've contacted the farmer. He will bring a trailer that will be set up outside that door and the grain will be picked up within a day. It's called spent grains. It's 25% protein and it's good for cows and pigs. We want it picked up on the same day or early the next morning.

Mr. Haggerty questioned: Is there any other waste generated?

Mr. Cooper stated: We will have pallets and bags which will lessen when we go to silos. We have a portable cleaning unit that will be able to recycle our chemicals better for cleaning so we won't be putting as much into the system.

Mr. Hardmeyer questioned: How much water will you be using per day?

Mr. Cooper stated: I don't know but we will provide that.

This portion opened to public.

1<sup>st</sup> Public: Brianna Pirmann at 58 Paterson Avenue. Concerned with definition of entertainment, special events, tasting tours, and when deliveries come into the warehouse, as there is an access way around back, so are the plans to come in and out the same way.

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

Mr. Cooper stated: The regulation is there is no live entertainment at all. The ABC controls what we can put in there. We can't have pool tables, or TVs. We can't make it a bar for someone to sit there for 4-6 hours. Special events are not my area. Tours are not scheduled it just happens once we are open throughout the day. I believe all traffic will be coming in through the front. There're two existing loading docks that will be used.

2<sup>nd</sup> Public: Ginny Avello at 57 Paterson Avenue. In the documents we were able to access they talked about two chillers.

Mr. Cooper stated: I believe they will be located on this area in the diagram. They will be putting up wood buffers to cut down on the noise.

3<sup>rd</sup> Public: Troy Dawson at 53 Paterson Avenue. In the tasting room, is there a limit to how much alcohol someone can consume?

Mr. Cooper stated: We are going to have everybody trained in a Tips course so they will be able to tell when someone is getting intoxicated.

No more public stepping forward. Portion closed.

Mr. Haggerty questioned Chris Wolverton regarding the exterior changes that are proposed.

Mr. Wolverton stated: The silos, chillers, and CO2 tanks we already talked about will be placed on a concrete pad. Other than that we'll be adding the necessary egress doors as well as the entrance door and ramp up the entrance door. We'll provide a small awning for weather protection and two garage doors for access of the spent drains and access for future tanks. At the moment it is empty warehouse. What will change is we'll add drainage beneath the tanks. Provide proper silt for floors. We'll bring up the concrete, put down new drains. We'll be adding coolers, bathrooms, and offices, as well as an enclosure around the mill room and the boiler room.

Mr. Haggerty questioned: How would patrons enter the building?

Mr. Wolverton stated: They will walk along the building, up the ramp, and through the front door.

Mr. Hardmeyer questioned: Any painting on the exterior or changing of exterior?

Mr. Wolverton stated: No. Most of the changing will be inside.

This portion opened to the public.

1<sup>st</sup> Public: Jack Stafford at 58 Paterson Avenue. Concerned with uniform code for older buildings.

Mr. Soloway stated: The appearance of the building is not code. There are construction codes.

Mr. Stafford questioned: Does Newton have a commercial uniform code?

Ms. Caldwell stated: We have a zoning ordinance and we do have design standards within that ordinance. This happens to be a redevelopment area and it has a redevelopment plan.

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

However, the use of an existing industrial building is part of that plan and doesn't require additional exterior features to the building if it's being used for an existing use which is industrial with a small component for retail use. However, it's largely in keeping with what the building is used for right now.

2<sup>nd</sup> Public: Carol Lewinski at 27 York Road. Where is the main entrance going to be for the parking lot?

Mr. Haggerty stated: Mr. Dunn will get to that in the next portion of this application.

No more public stepping forward. Portion closed.

Mr. Haggerty questioned Mr. Dunn who prepared the plans.

Mr. Dunn stated: This is a traditional craft brewery which is a permitted use in the Redevelopment Zone in Paterson Avenue. Permitted uses include food and beverage manufacturing and also a tasting and sampling room. Distilleries are also permitted. Because it's a redevelopment area it's governed under those rules. There are no architectural design standards in the redevelopment area for this portion of it. In previous years when this was going to be a residential zone a lot of standards were established for residents with streetscapes. The plan has been amended twice since then. Since we are infilling an existing industrial building those standards do not apply. What we did try to do is improve the site in some ways by adding some landscaping, paving improvements, lighting for safety, fencing, and some signs. I will go over all that including circulation and where trash is stored.

Mr. Dunn presented Exhibit A2 dated 4/20/16 and stated: The property in question is approximately 5 acres. It has two frontages, Paterson Avenue and Stratford Lane. Its access is from two points from those two streets. From the southeast there's a two lane access, on the northwest there's a narrow access. There's also an access from Stratford Lane. The Stratford Lane access is rarely used and there's an important reason for that. It's a roundabout way to get to Merriam Avenue. The quicker way is to come through Paterson Avenue and that's the more traveled way. For that reason and because the brewery will be on the southeast side of the building we're having the access including all deliveries and for patrons for tastings come through the southeast entrance. We are improving that entrance by widening it a little bit.

Mr. Dunn stated regarding parking: When a patron comes into the site through the access entrance they will drive passed the entrance of the tasting room and brewery and to the rear of the site. There is some paved parking which is shown by this darker gray solid hatch. In front of the Original Skateboard entrance there's handicap parking and line striping we will be doing to better delineate that along with some curb stops. There are five parking spots in front of Original Skateboards. During the tasting hours, it's anticipated that Original Skateboards will not be operating. At the rear of the building there is some pavement that has some parking as well. That is closer to the main entrance. In addition to that, the rear portion of the property, which is the Stratford Lane portion there is a leveled out gravel area that we intend to use for parking for the employees. We did parking calculations for the entire site to make sure all the tenants would be able to park based on the ordinance requirements. The craft brewery is taking over about 12,000 square feet of the existing building. The balance of the larger building is occupied by 8 other tenants which are small businesses with not a lot of loading and unloading or deliveries. There is a machine shop, Shoprite has storage here. There is a sufficient amount of truck traffic as it is an industrial site. There's also a smaller 1600 square foot outbuilding here that

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

houses Original Skateboard. Parking is based on the areas and the uses. The entire footprint of both buildings is 47,940 square feet. The second floor areas are 2000 square feet for a total of 49,940 square feet. Based on what the owner and architect informed me of its approximately half warehouse and half office industry for research development. It yields 8 spaces for the warehouse at a ratio of 1 per 2500 square feet and 17 spaces for the office/light industrial for research development where the ratio is 1 per 1100 square feet. The craft brewery is done a little differently. It takes into account that there are 50 seats available in the tasting room where one space per two seats is required. It also has to take into account a maximum of 8 employees. So there are a total of 58 spaces required for the entire building and we will provide 59 spaces on the southeast side of the building. Although they are not designated spaces the tenants on the northwest side of the building use the gravel areas haphazardly. There is also available parking on that side which I haven't taken into account because we're not doing improvements on that side and the parking isn't delineated. But there is plenty of parking.

Mr. Dunn continued: There are also shared loading spaces which have to be coordinated between the owners and the tenants. They would also come into this entrance and there are two loading areas on this southeast portion of the building where a truck would have to go slightly passed it and back into the loading area to receive packaging or unload deliveries. The third loading zone is restrictive to Original Skateboard. Any pedestrians coming from the parking area will be guided by line striping in front of Original Skateboard and across the loading area to a new concrete sidewalk on the entry side of the building which will be easily recognizable by a hanging sign and the improvements we're doing today such as the awning and side lights. One thing I wanted to talk about is how the pedestrians and the loading will coordinate. There is no other practical alternate to have the pedestrians completely separate from the loading zone. During the times of the tasting, most of the loading will not be happening. It's important to note that this is a wide opening area where there will not be sight impediments or other problems where truckers won't be able to see pedestrians.

Mr. Haggerty questioned: Do you have a picture of what the sign will look like?

Mr. Dunn referred to Exhibit A3 dated 4/20/16 and stated: Yes. The signage is regulated by the Redevelopment Area Ordinance. We are in compliance with that. This exhibit has a portion of the site plan on the top of the board and different sign types on the bottom.

Mr. Dunn distributed Exhibit A4 which is a packet of photographs and sign proofs and stated: I put together this exhibit for the Board's benefit as I go through the sign exhibit. It's nearly the same portion of the site plan with the number of the signs identified. The first sign I'd like to talk about is an existing sign in front of the building. We would like to reconstruct that sign with the same area and nearly the same height and scale so we would have the Krogh's logo and also Tours and Tasting on that sign. We would like to make that sign with ground mounted lighting. Underneath the sign would be the Original Skateboard identification sign. It should be noted that monument signs are not specifically listed in the redevelopment zone but we don't believe this requires a variance because it is reconstruction of an existing sign. It will be made out of aluminum sheeting with graphics adhered to the aluminum.

Mr. Hardmeyer questioned: Can the lights be turned off after hours?

Mr. Dunn stated: Yes. They can be put on timers.

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

Mr. Dunn continued regarding signs: Sign number two will be located facing Paterson Avenue on the existing wall of the building. That will be less than 60 square feet. The area encompassed is a factor of how long the façade is. It's a wall mounted sign that will be lit by a goose neck lighting so it will be just enough light to be visible. It's not an internally lit sign. There are three evergreen trees on this portion of the building. Two of them we will keep but the third is not in good health so we are going to take that down. That will also help make our sign visible.

Ms. Caldwell stated: There's a ground sign permitted in the ordinance with a maximum 40 square feet and you're proposing 36 square feet. So it doesn't require a variance and it doesn't need to be grandfathered in.

Mr. Dunn continued: The third sign we are proposing is a hanging blade sign. It's near the main entry door on the southeast side of the building. The area of the blade sign is just over 3 square feet and there is no additional illumination on it. The fourth sign is an identification sign at the corner of the access drive at Paterson Avenue that's 2'x 2' and will only stand 3' tall with the Krogh's logo and Brewery text with an arrow directing cars into the driveway. We thought it was important and on the planner's suggestion that way when drivers wanting to go to the brewery know to turn here. If they miss the driveway we don't want them turning around in a residential area. This sign will not be lit either.

Mr. Haggerty questioned: If I visit the facility, I see the sign, I turn and park in the back in the marked spaces, and then I follow the markings on the sidewalk and see the entry sign and enter the building at that point.

Mr. Dunn stated: Right. We think there are enough wayfinding signs.

Mr. Haggerty questioned lighting.

Mr. Dunn stated: There was lighting plan submitted as part of the site plan. There's existing lighting out there. There's a flood light on a pole on the southeast side and there's also another flood light on a pole on the southwest side in the rear of the building. At the time we were preparing the plans those lights weren't functioning to test to make sure that the lighting was sufficient. So we proposed new lighting which would be sufficient to light all the parking areas to at least ½ foot candle which is regarded as a safety measure. We proposed one 25' pole that would have dual lights in between the two landscaped islands in the gravel area that we're proposing. There will be another pole at the end of the existing low concrete retaining wall to help light the remainder of the parking. We are not relying on any of the existing lighting to achieve the safety we're looking for. The lighting is referred to as a shoebox. It comes straight out from the pole and directs the light downward not out. It's at a 90 degree angle parallel to the ground. It is a design waiver we would ask for from the Board because the Redevelopment Zone would like to see more decorative streetscape lighting. We're really looking for the functionality. If this were a different project where the whole site is being revamped that might be a different story, but this is just one tenant. We are just trying to make it safe.

Mr. Dunn continued regarding lighting: There will also be two lights facing Stratford Lane. We also need to illuminate the entrance so that's a new light on the southeast side on the corner of the building. It will be a wall mount light, 20' in height, a 245 watt LED light. It is also directed downward. In order to mitigate any concern about the light spilling into the neighboring property we're adding about 100' of 6' board on board fence starting at the southeast edge corner of the building and going internal to the site 100' near the property line. The lighting

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

levels are low there to begin with at 0.2 levels. But we want to be respectful so we've put the fence up just to be sure. The fence also serves as belt and suspenders for the chillers and the noise that they generate.

Mr. Dunn stated regarding the chiller noise: When we met with the Technical Review Committee the engineer brought up the chillers and how much noise they would make. We investigated that further.

Mr. Cooper described the chiller further: A chiller is an external piece of equipment, a boxed in rectangle. It keeps the cooler rooms cold for the beer storage. It's an important feature of the brewing process. The noise is similar to a large air conditioning unit.

Mr. Dunn continued regarding the chiller noise: Based on the specification that we chose, the chiller produces about 60 decibels at 10' away which is about the same decibel level as a normal conversation you would have with someone 3' away. We have to comply with DEP standards and to comply with the Town ordinance as well. During the daytime it can't be any more than 65 decibels at the property line of a residential neighborhood. At night time the decibel level can't be higher than 50 decibels. We sized the chiller and put it far enough away that the decibels would be 49 decibels at the property line. So we meet the DEP standards and we are also putting a board on board wood fence there and there is also an elevation difference and some woods there that would help mitigate any issues there.

Mr. Dunn stated: There is a 10' buffer that is supposed to be implemented on the sidelines. We are asking for a design waiver from the strict compliance of that because of the existing buffer that's there already and we are providing a fence.

Mr. Dunn stated regarding special events: There is a provision in the ordinance to allow a craft brewery to have special events. We are restricted in the amount per year. We are allowed 12 per year and only one per month. The events are only for marketing purposes to introduce a new beer type or help promote a new product line. They also offer a sense of community. They would offer gatherings to introduce the public to their site. It's not to have loud outdoor parties with music all night long. It has to be shut down by 10PM. It is very restricted and monitored.

Mr. Dunn stated regarding the dumpster: We are planning to have two trash storage areas that will be enclosed with a board on board fence and a gate system subject to the engineer and planner's review. There is currently no organization as to where those dumpsters go so we'd like to neaten that up in appearance and to keep it out of the people's way when they're driving around. One of the dumpster areas would be facing Stratford Lane and the other would be between the two industrial buildings. I think I've covered everything.

Discussion ensued on loading.

Blake Ellman, co-owner stated regarding deliveries: All the standard deliveries for all tenants of the building will be to the loading docks. The only exception is when taking a load to the silo. The truck will pull fully in off the street, blocking one lane of this access, deliver grain to the silo and then leave. The other door on the side is for spent grain only. That's where the farmer picks the grain up.

Mr. Haggerty questioned Mr. Ellman: Can patrons that come in buy beer that you produce there?

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

Mr. Ellman stated: They can buy beer that we produce on site.

Mr. Haggerty questioned: How much can they buy?

Mr. Ellman stated: They can buy two kegs. It is regulated by the ABC guidelines. They can buy bottles or cans which might be two to four cases. We will do deliveries to restaurants or stores. We have a license for self-distribution.

Mr. Haggerty questioned: Is the function of the facility to promote the product?

Mr. Ellman stated: The tasting room is to educate the marketplace. They try it here and if they like it they will ask for it in restaurants, bars, liquor stores, etc.

Mr. Haggerty questioned: Is it similar to a brew pub?

Mr. Ellman stated: We are not a brew pub, we are a brewery. Craft breweries are not allowed to sell any kind of food. It's not allowed by our license. Krogh's brew pub in Sparta is a restaurant. It's a different kind of license than we will have at this facility.

Mr. Haggerty questioned: What are the events?

Mr. Ellman stated: Our intent is not to have large scale events which will make all our neighbors crazy. It will be small scale and we will not allow them to park in our neighborhood. Any events that we run we will provide security, clean up, policing. The last thing we want is for the community to get unhappy with us. We can't have live entertainment; we won't have a biker gang showing up, and no bands.

Mr. Ellman stated regarding delivery vehicles: We would use a van initially to deliver the beer to restaurants and then upgrade to a box truck. We would have only one or two parked on the property.

Mr. Haggerty questioned: How many employees will there be?

Mr. Ellman stated: There will be 8 employees at the most on site. To some extent, there's going to be some overlap if we're doing a double brew day between potential tasting and brewing. But particularly in the early days we don't intend to have a brewing day on the same day as a tasting. Theoretically, with ramped up production we could have brewing in the morning and the tasting afterwards.

Mr. Hardmeyer questioned: You said initially you will not be canning or bottling beer.

Mr. Ellman stated: Initially it will just be kegging. The next step is mobile canning. Once we're doing mobile canning we'll put our own canning or bottling inside.

Mr. Haggerty questioned: Will it be higher production than Krogh's in Sparta?

Mr. Ellman stated: Yes. In Sparta it is only for the restaurant. We will be producing it to ship out.

Mr. Hardmeyer questioned: What is your maximum production?

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

Mr. Ellman stated: Theoretically we can do 10,000 barrels a year. My guess is it will be closer to 5,000 barrels a year. We are going to run into logistical constraints. ABC allows much higher for our license. We can brew several hundred thousand barrels; but not at this facility. Once we pass 10,000 barrels we will have to operate multiple facilities.

This portion opened to the public.

1<sup>st</sup> Public: Vincent Avello at 82 Paterson Avenue. On the Facilities Impact Report, the address is wrong. It says Paterson Place and it should be Paterson Avenue. Second, on the chillers, who is going to maintain them?

Mr. Ellman stated: A commercial HVAC company.

Mr. Avello stated: If it is not maintained properly you can get Legionnaires disease.

Mr. Ellman stated: It is a different kind of chiller system. It is not an issue with this system. But from an operational standpoint, if we don't maintain our system properly we will lose our beer stock.

Mr. Avello questioned: When you say the event is over by 11PM is it shut down or is someone still there having their last drink?

Mr. Ellman stated: When we say 11PM that is when we lock the door and everyone is out of the building. We will initially be open reduced hours. We may not go beyond that.

Mr. Avello questioned: Will you have busloads of people?

Mr. Ellman stated: No. We don't have the seating capacity to accommodate that.

Mr. Avello questioned: What about sewers and getting rid of the water? There are issues on Sussex Street.

Mr. Ellman stated: We've had multiple conversations with the water and sewer authority. From a capacity standpoint the system is currently rated at 1.4 million gallons and uses approximately 700,000 gallons. At max load we are talking about 45,000 gallons a month. They are rating it by day. So we are a tiny load on the system.

2<sup>nd</sup> Public: Brianna Pirman concerned with people taking beer outside to have a cigarette and trees being cut down.

Mr. Ellman stated: No. We don't want people wandering around with alcohol. We have a tasting room, it's not a bar. We have to abide by the ABC regulations. No. We don't want to take down any trees.

3<sup>rd</sup> Public: Carol Lewinski 37 York Road. Is there a possibility of using the area in front of the building for something on Paterson Avenue? Picnic tables or something?

Mr. Ellman stated: No.

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

4<sup>th</sup> Public: Jack Stafford Paterson Avenue. Are you replacing the existing chain link fence or are you replacing it with board on board fencing?

Mr. Ellman stated: Ours will be supplemental.

Mr. Stafford questioned: Will you need access to my property during the construction process with equipment?

Mr. Ellman questioned: We don't anticipate it. We are not going to trespass.

5<sup>th</sup> Public: Sylvia Posapa Paterson Avenue. Concerned with how many batches made and how many shipments are done daily.

Mr. Ellman stated: We can theoretically do a three batch day. But two batches would likely be the most. Initially we anticipate a van a couple of times per week. Even at max production I see no more than one a day. Even with very large trucks would be less than one a day. It would fit more than we produce a day. It would be during the week in normal operating business hours.

6<sup>th</sup> Public: Mary Jane Avello at 57 Paterson Avenue. How many tours a day?

Mr. Ellman stated: It is all dependent on people coming in. If nobody comes in we aren't giving a tour. We give tours as people come in. It's very informal.

7<sup>th</sup> Public: Troy Dawson at 5 Paterson Avenue. Concerned with the tractor trailers. The entrance is right in front of my house. Will they be turning around outside of my house and for events will there be parking on the street and noise?

Mr. Ellman stated: They will pull straight in. You won't hear noise inside. It's a concrete structure. For an event there's no live music. In this site the neighboring site accounts for the vast majority of any truck traffic. In any town or residential area with businesses around it there is always a risk of parking on street. We are always going to police it.

8<sup>th</sup> Public: Mary Jane Avello at 57 Paterson Avenue. If someone is parked illegally should we call the police?

Mr. Ellman stated: Absolutely. You can call the police. You can also come to us. We want to be a good neighbor.

No more public stepping forward. This portion closed.

Ms. Caldwell reviewed her report dated 3/10/16: There are no variances. Both of my comments have been addressed. Primarily we're looking at waivers for landscaping, buffering, and parking. The sign packet is required and they provided that tonight.

Mr. Simmons reviewed his report dated 4/14/16: On page 2, item 4b, under parking the one thing I noticed on my site inspection was that driveway right off of Paterson Avenue that leads to the loading dock that's recessed a pick-up truck was parked on the grass on the corner. It blocks sight distance down Paterson Avenue where patrons are going in and out. My suggestion is that we put a condition that there is no parking on that corner to block the sight

TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

distance. On page 3, item 6b, on the sewer. I spoke with Mrs. Milikin today about going to a meeting next Thursday on the sewage. We had a similar application in Branchville where they had a meeting on approval of what was coming out of the distillery. I'm sure it can all be worked out along those lines. Regarding lighting, number 7, I'd like to go over it to verify any offsite light measurements. On page 4, item 10, the architectural plans show some future areas. The question I have is if the applicant is successful to expand the facility do you see any other external facility being added? A generator?

Mr. Ellman stated: No. If we add anything else we will need to come back for additional site approval.

Application opened to the public. No public stepping forward. This portion closed.

Mr. Soloway crafted a motion to approve the application for minor site plan approval with site plan waivers to retain the existing gravel parking lot instead of paving it, a waiver from the design standard that requires continuous pedestrian connectivity throughout the site, they are proposing about 100' of sidewalk, partial waiver from the lighting requirements so they don't have to use the Town's decorative standard, a waiver from the requirement of a streetscape plan along the existing street frontages, a waiver from the requirement that there be a 10' buffer along the lot lines. In addition to the standard conditions in Mr. Simmons's report item 4b, no vehicle parking on the grass area between Paterson Avenue and the loading area, access drive subject to the condition that further detail on the lighting be submitted to the satisfaction of Mr. Simmons and Ms. Caldwell, the data that already exists demonstrating compliance with DEP noise requirements be submitted to Mr. Simmons to his satisfaction, that there be an as-built. If the applicant advertises they have to note that on-street parking is not allowed. Turn sign light off after hours and meeting the Newton Water/Sewer Utility requirements.

**Mr. Flaherty made a motion to approve the application. Seconded by Mr. Hemschof.**

**AYE: Mr. Flaherty, Mr. Hardmeyer, Mr. Russo, Mr. Hemschof, Mr. Marion,**

**Motion carried.**

**DISCUSSION** - None

**CORRESPONDENCE** - Reviewed

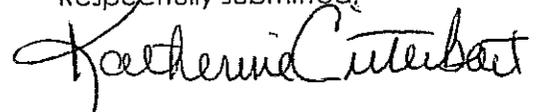
**EXECUTIVE SESSION** - None

**PUBLIC PORTION** - None stepping forward

**ADJOURNMENT**

**Mr. Flaherty made a motion to adjourn the meeting. Motion seconded by Mr. Russo. The meeting was adjourned at 11:00 PM with a unanimous "aye" vote. The next meeting will be held on May 18, 2016 in the Council Chambers of the Municipal Building.**

Respectfully submitted,



TOWN OF NEWTON  
PLANNING BOARD  
APRIL 20, 2016  
MINUTES

Katherine Citterbart  
Planning Board Secretary