

TOWN OF NEWTON
PLANNING BOARD
JULY 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. Mrs. Citterbart stated there was a quorum.

SALUTE TO THE FLAG: Was recited.

OATH OF OFFICE:

Wayne Levante – Class III Member of the Planning Board
Tina Larsen – Alternate Member of the Planning Board

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Marion, Mr. Hardmeyer, Mrs. Diglio, Mr. Levante, Ms. Larsen,
Chairman Le Frois

Excused: Mr. Russo, Mr. Ricciardo

Professionals present: David Soloway, Esq., Malvika Apte

THE SUNSHINE STATEMENT: Was read.

CONSIDERATION OF MINUTES

June 15, 2016

A motion was made by Mr. Marion and seconded by Mr. Flaherty to approve the June 15, 2016 meeting minutes.

AYE: Mr. Flaherty, Mr. Marion, Mr. Le Frois

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

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

Resolution granting certification of a pre-existing non-conforming use as a six unit residential building, and for use, bulk variance, and site plan approval to expand that use.

Mr. Flaherty made a motion to approve the resolution. Motion seconded by Mr. Marion.

AYE: Mr. Flaherty, Mr. Marion, Mr. Le Frois

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Motion carried.

EXTENSION

Brian Giblin (#MSD-07-2015)
Block 14.03, Lot 11
36 Halsted Street

Applicant requesting extension of time for minor subdivision granted from January 20, 2016

Brian Giblin, Esq. stated: An additional 180 day extension is needed to complete the conditions. We have removed the encroachments. There was a garage on the back of the property that we have demolished. We installed a driveway from Halsted and three parking spaces. We still have to take care of the tree. Mr. Simmons suggested it be taken down. We will plant something else there. Once the driveway is paved we will do the sidewalk. DPW recommends that we put a lip there.

Mrs. Diglio made a motion to approve the extension. Motion seconded by Mr. Flaherty.

AYE: Mr. Flaherty, Mr. Marion, Mr. Hardmeyer, Mrs. Diglio, Mr. Levante, Ms. Larsen, Mr. Le Frois

Motion carried.

OLD BUSINESS

None

NEW BUSINESS

Thorlabs (#MSP-07-2016)
Block 18.03, Lot 11
56 Sparta Avenue
SD-5 and T-5 Zone

Applicant is requesting site plan approval for the installation of an exterior air compressor and a concrete pad upon which the air compressor will be installed and associated wiring, piping and hoses and may seek any variances, waivers, permits, approvals and other relief that are deemed necessary during the course of the hearing.

Peter J. Donnelly, Esq. is representing the applicant.

Mr. Marion stepped down on this application.

Sworn in: J. R. D'Annibale from Thorlabs, Maintenance Facility Manager and Jim Heremes from Thorlabs, Maintenance Engineer

Mr. Donnelly stated: This is an outdoor air compressor on the exterior of the building by the loading dock area between the current diesel emergency generator and an electrical transformer. It is a grass area. There will be no tree removal, no electrical work done, no grading work other than the installation of a concrete pad. We've received letters from the Board Engineer and the Board Planner. Both letters reference noise. We don't have any other

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concerns raised in those letters. The Engineer gave us the noise requirements in his letter. We received a letter from the manufacturer measuring the noise level from the distance to the nearest residential lot and residential building. We were able to get noise readings from the manufacturer which has been submitted with our application. It clearly demonstrates that at the distance we are talking about we are well under the noise levels required by law.

Mr. D'Annibale referenced Exhibit A1 and stated: This is a picture of the proposed area where the compressor will be and the generator, and a 100 watt light pole that is on from dusk to dawn.

Mr. Heremes stated: This is a 75 horsepower, rotary screw, and exterior air compressor. The pad will be 7' x 9' and the compressor is about 67". It is used for pneumatic equipment. It is powered by electricity which will be running under the pad to the compressor.

Mr. D'Annibale stated: There should be no need for additional lighting. The light pole is only 20' from the compressor. On the other side there are two dusk to dawn light poles. Any service would be done during the business hours. I could rotate the dome of the light if it's necessary.

Mr. Donnelly stated: There was a note in the engineer's report requesting an as-built plan. We would like the Board to consider waiving that item because of cost. In lieu of the Board waiving this, if it is later on required we will do it. We can provide a site plan.

Mr. Soloway stated: My suggestion is that assuming this is approved, when I draft the resolution it will require the as-built unless waived by the engineer.

Mr. Soloway stated: Regarding the noise data, I believe Mr. Simmons would agree that any resolution would require compliance with any applicable noise regulations to the satisfaction of the Board Engineer.

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

Ms. Apte reviewed Ms. Caldwell's letter dated July 3, 2016 and stated: Some of the points we brought up are regarding the proposed location of the compressor. It meets all setback requirements and is in compliance with the NJ Noise Control Act. The memo that was submitted to the Board by the applicant was done by a specialist and seems to comply with the dBA requirements. There is another memorandum about the screening. We feel that because the air compressor is behind the building and surrounded by an existing structural fence the screening is not a necessity. For comparison purposes we compared the air compressor to the setbacks of the generator. Even after reviewing that, the air compressor does comply with the requirements of the emergency generator. That completes J. Caldwell and Associates memorandum.

Ms. Apte reviewed the HPA memorandum dated July 11, 2016 and stated: It lists the noise level requirements. The DBA level does meet the requirement. The second part is stormwater management, building and lighting. It does meet all of these requirements. The last requirement is for an as-built plan. As discussed, this will be put in as a condition in the resolution.

Mr. Flaherty made a motion to approve the application. Mr. Hardmeyer seconded it.

AYE: Mr. Flaherty, Mr. Hardmeyer, Mrs. Diglio, Mr. Levante, Ms. Larsen, Chairman Le Frois

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Motion carried.

Mr. Marion returned to the meeting.

DISCUSSION

Iliff Camps & Clinics sign revisions to the approved Preliminary and Final Site Plan and Sign Variances approved on September 23, 2015.

Mr. Soloway stated: In the original application for Iliff Camps & Clinics, the applicant was going to convert the building into three separate users. The Board granted a sign variance. Under the ordinance, the total allowed square footage at the front of the building was 150 square feet and the Board granted a variance to allow 167.54 square feet based upon the design that was presented as part of the application. There were going to be three signs. Apparently, at the moment there are not three separate uses so the applicant approached Ms. Citterbart to slightly change the signage. Specifically, they would not change the total square footage but they wanted to change the signage so the existing Camp Iliff sign which was approved for 78.6 square feet and would be reduced in size to 54.98 square feet and the "It's a Buffet" sign which had been approved at 73.32 square feet and would be increased to 93.54 square feet. There is no third user at the moment so nothing would go above that part of the building. If and when they have someone in there, that part of the building would get the remainder of the 167.54 square feet that was originally authorized. Because it was the subject of a variance, even though there was no increase in square footage Ms. Citterbart didn't want to sign off on it. We discussed it and decided the best course would be to present it to the Board and if it's ok with the Board she will issue the required permits. However, if the Board wants the applicant to present this in more detail we will contact the applicant to request it.

Discussion ensued on signs.

Ms. Apte stated: I researched a little bit. If we permit only the two signs, it would become 148.56 square feet. This would make it compliant.

Mr. Soloway stated: What the Board would be signing off on is that they are allowed up to 167.54 square feet and they are just reallocating the square footage. I don't think it makes it compliant because the applicant has every hope and intention of getting someone in that unit and using that sign and wouldn't have to come back here for a variance.

Ms. Apte stated: Are they proposing it as Camp Iliff and not as "It's a Day Care"? The camp was going to be run as a day care from Monday through Saturday with a Friday late night. Under our current resolution we have strict hours of only 6:30 a.m. to 7 p.m. for day care.

Mr. Soloway stated: I was wondering that myself. The questions that were submitted to the Board had to do with the signage. I wondered if Camp Iliff, if indeed it's still going to be there, would create any different site plan issues or concerns than the day care center.

Discussion ensued on usage and other elements of original application.

Mr. Soloway stated: I suggest that the Zoning Officer go to the applicant and find out if Camp Iliff is the same thing as the day care center. If it isn't in any material respect they should be required to come before the Board. If it is the same, then that's fine.

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Mr. Soloway crafted a motion for Ms. Citterbart to approve the change in signage without requiring the Boards approval. Also, to request Ms. Citterbart to investigate whether there has been any underlying change in the use of the day care center. Based on the fact that they are still calling it Camp Liff and if there is no change in use she can simply report back to the Board. If there are other things going on, even if they were authorized in 2002, then it is not permitted under the resolution. Once they accepted the 2015 resolution, it supersedes the 2002 resolution.

Mr. Levante made a motion to approve. Mr. Flaherty seconded it.

AYE: Mr. Flaherty, Mr. Marion, Mr. Hardmeyer, Mrs. Diglio, Mr. Levante, Ms. Larsen, Mr. Le Frois

CORRESPONDENCE - Reviewed

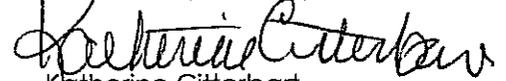
EXECUTIVE SESSION - None

PUBLIC PORTION - None stepping forward

ADJOURNMENT

Mr. Flaherty made a motion to adjourn the meeting. Motion seconded by Mr. Marion. The meeting was adjourned at 8:04 PM with a unanimous "aye" vote. The next meeting will be held on August 17, 2016 in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary