

Planning Board Meeting
Regular Meeting of August 6, 2009 at 7:00 pm

The regular meeting of the Planning Board took place on the above date. Chairman McCabe read the Open Public Meeting Act and requested Mrs. Millikin called the roll. Acting Board Secretary Millikin stated there was a quorum.

Vice Chairman Vandyk welcomed Mr. Neil Flaherty to the Board.

David Soloway swore in new Planning Board alternate 2 member, Neil Flaherty.

Members Present: Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk

EXCUSED: Mr. Caffrey, Mr. White, Mr. Russo, Chairwoman McCabe

ALSO PRESENT: Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, Cory Stoner, Board Engineer, Debra Millikin, Deputy Town Manager.

FLAG SALUTE

CONSIDERATION OF MINUTES

June 17, 2009

Mrs. Fowler made a motion to approve the June 17, 2009 minutes. Mr. Ricciardo second the motion.

AYE: Mr. Elvidge, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk

HISTORIC RESOLUTIONS

#2009-05 – Brad Schneider/Schand'er Boutique

Property Location: 192 Spring Street

Sign approval.

Mr. Elvidge made a motion to approve the sign. Mr. Ricciardo second the motion.

AYE: Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk

#2009-07 – John E. Craddock III, D.D.S.

Property Location: 92 Main Street

Sign approval.

Mr. Elvidge made a motion to approve the sign. Mr. Ricciardo second the motion.

AYE: Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk

#2009-06 – Kevin T. Kutyla, LLC
Property Location: 83 Spring Street
Approval of lettering.

Mr. Elvidge made a motion to approve the sign with black lettering. Mr. Flaherty second the motion.

AYE: Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Vandyk

NAY: Mr. Ricciardo

#2009-03 – County of Sussex
Property Location: Newton Green
Planting Plans & Maintenance approval.

Mr. Ricciardo made a motion to approve with the additional Coast Guard, Merchant Marines, Air Force, Marine Corp., Navy and Marine. Mrs. Fowler second the motion.

AYE: Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk

#2009-04 – Richard S. Wahlers/Electronics Service Unlimited
Property Location: 200 Spring Street
Neon sign approval. Carried for further information on what kind of sign, how mounted, how lit and what the control panel is for.

Mr. Ricciardo stated: I noticed that in the information presented by the applicant that the control panel has the possibility to flash. I would prefer to see a control panel that does not flash because signs like this are not permitted. Mr. Soloway stated: It appears that there was a denial recommendation because the applicant initially had it lit and the recommendation was to deny that. Mrs. Millikin stated: They wanted the Board to vote on the LED sign that said open. The commission denied the application for the neon but the Historic Board agreed it cannot be plugged in and not internally lit. Mr. Ricciardo questioned: What is the control panel for, for the spot light? Mrs. Millikin stated: I believe that is part of the LED sign. Mr. Elvidge stated: We don't know what we are approving.

Mr. Ricciardo made a motion to carry for further information on what kind of sign, how mounted, how is the light lit and what the control panel is for. Mr. Elvidge second the motion.

AYE: Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk

EXTENSION OF TIME

#PFSPV 4-2007 – Kohl’s – 11 North Park Drive, Block 303, Lot 26.05

Mr. Ricciardo made a motion to approve the extension of time for the completion date for Kohl’s from July 31, 2009 to September 30, 2009. Mr. Elvidge second the motion.

AYE: Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk

OLD BUSINESS

#PB-07-26 – Able Energy Company – Block 1301, Lot 8 – 38 Diller Avenue. Applicant proposing to replace building and resume home heating oil sales and distribution on said property. Carried to September 23, 2009 meeting.

Mr. Ricciardo made a motion to approve and carry the present hearing until September 23, 2009 at 7:00 pm and to authorize Ms. Millikin or Mr. Soloway to request that the applicant consent to have it heard on September 30, 2009 at 7:00 pm. If the applicant agrees, the hearing will resume at that time and make an appropriate announcement on September 23, 2009. Mrs. Fowler second the motion.

AYE: Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk

NEW BUSINESS

#PB -06-09 – Newton Inn, LLC

Property Location: 8 North Park Drive

Requesting amended site plan approval to convert the existing banquet/meeting room to nine additional guest rooms. Representing the applicant is Kevin Kelly, Esq., Kelly and Ward, Newton, NJ

SWORN: Frank D. Mileto, 14 Beaver Brook Drive, Long Valley, NJ. Registered architect and licensed planner since 1972.

Owners Mr. Chris Sagra, Nick Catel.

Mr. Kelly stated: this is an application for an amendment to convert the existing meeting room into 9 proposed guest rooms. It is obvious that there are business reasons for that. We will talk about that later and a couple other things in David Simmons’ report. I don’t want to be presumptuous but that is all there is to the application. There is nothing that will change outside. It is not the type of increase use that triggers any ordinance.

Frank D. Mileto, 14 Beaver Brook Drive, Long Valley, NJ. Registered architect and licensed planner since 1972. I have appeared on this Board for several occasions. I have accepted as

such. I have appeared before Superior Courts of Morris, Sussex, Passaic, Union. License is still current.

Mr. Kelly questioned: Could you tell the Board about this application? Mr. Mileto stated: This application involves an interior modification of the space in the building on the first floor where currently is a large meeting room which just sat empty for a long time. They have only had a few occasions to utilize it. Because of various reasons like the economy and competition in the area, the room is of no use. The intension is to convert it to 9 guest rooms. The building, and I was the architect or the original construction, was designed with the potential of this happening. All the windows are lined and all the air conditioners are there. Anything we didn't put in was the plumbing because that would have been problematic for the meeting room space and floor systems. The building is ready to be retrofit for the 9 rooms. The fire access and egress is there. The two means of ingress and egress in the stairways are there. Building code wise it needs plumbing, electrical and some partitions to become the 9 guest rooms. The guest rooms have been doing relatively well and they can use the additional 9 units to maintain the business. As Mr. Bittle's report indicates, the parking requirements are exceeded when you take the site including the future of the potential retail pad that is there you still have an excess of parking spaces. There is no negative impact of this at all to create these rooms.

Mr. Elvidge questioned: How is the plumbing addressed? Does the slab have to be elevated? Mr. Mileto stated: We are going to have to cut it down the center and put branches in. I spoke with the plumber that did the job this afternoon. He's got the plan out already. He still hasn't hired me yet, but he is very anxious to get done. Mr. Elvidge questioned: If you are approved, when do you plan to start the process? Mr. Mileto stated: Immediately. Mr. Elvidge questioned: How long do you think it is going to be until you complete it? Mr. Mileto stated: Three or four months.

Mr. Ricciardo questioned: Do they have a COAH obligation? Mr. Soloway stated: I do not think they do. I looked at the Ordinance and when there are interior renovations only and no change in the foot print it doesn't appear there is any COAH. Mr. Ricciardo questioned: Is there any affect on the Developer's Agreement? It is noted in Mr. Soloway's approval requiring any modification to the Developer's Agreement. It will have to be amended to approve the additional rooms. Mr. Kelly stated: We didn't when we changed the lights. Mr. Soloway stated: That is for the Council to decide. The last amendment was changing the color of the light bulbs so I could understand there's no implication in terms of the Developer's Agreement.

Mr. Simmons stated: I would like to point out Item #6. I'm not saying that it is the applicant's responsibility or if it is Mr. Martin's. The holder of the property I assume. I would strongly suggest as a condition of this approval that Item #6 be a condition of the approval because there is a lot of traffic at that intersection. There is going to be hopefully more traffic going in and out of the hotel rooms because they are spending money to increase their business. It is an intersection that is very busy and I know from meeting out there with the police department the stop signs and crosswalks. We are putting additional sidewalks in as part of Kohl's, Walgreens and there is going to be more pedestrian traffic. Hopefully they will come over and go the Applebee's. I think it is important to get some long lasting government plastic out there to maintain the integrity of the striping. Mr. Kelly stated: That is a good point. We will certainly

do it. Mr. Soloway stated: Just so we are clear, it is the second sentence of Item #6? Mr. Simmons stated: Correct.

Vice Chairman Vandyk opened the floor to the public. With no public coming forward this portion of the meeting was closed.

Mr. Ricciardo made a motion to approve the application as presented with the condition that the existing striping work be redone in a thermal plastic to help maintain the striping. Mrs. Fowler second the motion.

AYE: Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk

Mr. Flaherty made a motion to waive the resolution. Mr. Elvidge second the motion.

AYE: Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk

#PB-07-09 – Dan & Dana Weber

Property Location: 15 Hampton Street, Block 1109, Lot

Preliminary & Final Site Plan Approval. Carried until September 23, 2009. No further notice required.

Mr. McCabe stated: We are proposing an auto repair shop located on Main Street. They relocated here and use both of the garages for repair. You have seen a conceptual site plan on this previously and we discussed different issues that may come up as a result of that. We have prepared the site plan you have in front of you. We have designed it so we will continue to use the two same buildings and provide additional on-street parking which is there now. We proposed to have 12 slots along the eastern side of the driveway and 3 additional spots near the garage that were constructed from your approval prior. The driveway will be 2 vehicles wide. There will be sufficient back up space for spaces 4 through 12. We have rearranged the entrance on this area. Prior it comes in on an acute angle. We are now coming in now on a 90 degree angle. We are also proposing to have a 10 ft by 10 ft enclosure for recycling containers. We are also proposing to install a fence starting from the existing neighbors on the right hand property line coming down to the tree in the right hand corner setting them between the three trees. The neighbor who owns Lot 9 Block 1109 would like a six foot high privacy wood fence on the property line to allow for privacy purposes. We will amend the site plan to incorporate that. We are also proposing a storm water interceptor on a trench. That has been depicted on the site plan along with the 3 lighting poles. There is an existing security light on the end of the larger of the two buildings. That is on at night. The other security light is inside the office. We are proposing the 3 lighting units will be on timers and at a certain hour of the night they would be on.

Mr. McCabe stated: We are proposing a business sign down near the entrance of the property. It is 10 feet back from the curb. We have detail on Page 4 on the top middle that says that it is going to be 60 inches wide, 4 feet high and 12 inches off the grade. There will be 2 – 75 watt mini spot lights to illuminate both sides of the sign. It will be external lighting but also will be on a timer. It will help from screen it from the public travel way of Hampton Street because of

the plantings that we have. It will also provide a buffer by the fencing between the two residential properties on Lot 2 and Lot 9. We will not change the footprints of the buildings.

Mr. Ricciardo questioned: The new parking spaces 1 through 15, 16 and 17 is under the carport, what surface will they be on? Mr. McCabe stated: Asphalt. Mr. Ricciardo stated: Mr. Simmons has in his report the handicap parking space and the delivery area space that conflicts with the parking for 1, 2, and 3. Mr. McCabe stated: I would agree with that comment except that Snap On tools comes and are there for about 15 minutes. They make their sales and they are gone. Any delivery from a parts company comes in a short van and is very quick also. The owners will control the parking in numbers 1 through 12. The cars parked in the upper spaces 1, 2, 3 will be brought in the shop by the employees, do the work and put back out again. When you are talking about a conflict I don't see that being there because these cars are being stored in 1, 2, 3, 4, 5, or 6 are going to be the cars that will be worked on. Mr. Ricciardo questioned: You are telling me that if slot 2 is open and someone parks in slot 2 and a delivery truck comes and parks there you are not blocking their means to getting out? Mr. McCabe stated: No because they are parking the car there because it is going to wait to get repaired. Mr. Ricciardo stated: Maybe they are parking the car there to make an appointment to get their car repaired. Mr. McCabe stated: They can also pull up in front of where the handicap is or right in back of that. Mr. Ricciardo questioned: Why would you park in a handicap spot if you are not handicap and don't have permission to? I think Mr. Simmons' is correct. Mr. McCabe stated: I was disagreeing with that because it can be controlled on the site by the owner of the property.

Mr. Ricciardo questioned: I have been by your place. You sell vehicles too. Where are you going to put those vehicles that are for sale? Where are you going to display them? Mrs. Weber stated: Down in the parking spaces 12 or 11. The ones that are sold are sold for customers. All the primary locations for parking are for the customers. With regard to the tool truck, if they are blocking anyone in any way they move out so that the customer has priority. That is just a temporary spot for vehicles. Mr. Vandyk questioned: Is there another area that that could be placed? Maybe closer to the other building? Mr. McCabe stated: Yes there is. If you take a look at the shaded area, which is the existing paved area, that leads to the right side it could be over there also. It can be shifted if we have to. Mr. Ricciardo questioned: Area 16 will be paved also or is it going to stay gravel? Mr. McCabe stated: Stay gravel. Mr. Ricciardo questioned: What is to prevent you from parking a vehicle that is in need of repair on that gravel area? Mrs. Weber stated: Nothing except for what the rules are going to be. Mr. Ricciardo questioned: It is my opinion that all parking areas have to be paved and curbed as recommended by Mr. Simmons. Mr. McCabe stated: Mr. Simmons' report did not recommend it but we requested a waiver on that. Mr. Ricciardo stated: If there was a leak and it can go down the driveway, I am also going to request you put an oil separator at the end of the driveway.

Mrs. Weber stated: Where #17 is parked would primarily that would be where one of the vehicles would roll back and we would also have what we call a junk trailer where Danny's excess metal parts needs to go to George's Salvage would be under cover. Mr. Ricciardo questioned: Will it be enclosed? Mrs. Weber stated: It looks like a garage but it doesn't have a door.

Mr. Ricciardo questioned: I see you are also extending the water lines which were not in the second building. Are you going to put facilities in there now? Mr. McCabe stated: Yes. There is going to be a wash room with a toilet and a hand sink.

Mr. Ricciardo questioned: Are you going to be the only one operating in this facility or is whoever is operating there now in the last going to maintain that last bay or is it all going to be yours? Mrs. Weber stated: One user.

Mr. Elvidge stated: I agree with Mr. Ricciardo. If that is a parking space right there and you are going to pave as much as you say you are going to pave at the site that should be extended. As far as visitor parking spaces, I think you might be able to configure that where you are able to get one or two parking spaces there for visitors. I don't know if the slope or the grade there permits that. Mr. McCabe questioned: What number are you looking at? Mr. Elvidge stated: Number 16 and to the right of 16. Mr. Vandyk questioned: How much is gravel? Mr. McCabe stated: Roughly 1,000 square feet. Mr. Vandyk stated: If a car is going to pulling out there then the rest of the space will end up being used for parking a car. In the future if you had the extra paving there and you configure it in a more horizontal way and you will have an extra 3 spaces. If you had the additional space to move around an additional car or two it will be to your benefit in the future. Mr. Weber questioned: Would that mean extending the paver underneath the car port because that is gravel? Mr. Vandyk stated: No, I wouldn't think if you were going to store parts there. I think widening the driveway to accommodate 3 or 4 more spaces there. Mr. Ricciardo stated: He can move the handicap spaces and that will eliminate the need for the variance for the parking. Mr. Vandyk stated: In the future you will end up parking excess cars there. It is more convenient to do it now.

Mr. McCabe questioned: When they put the first building in that area between the rock wall and the building was flat and they used to get access to the back. Mr. Ricciardo questioned: If they pave that you can move the handicap parking next to the building and move your delivery area there and still have the 16 parking spaces. Mr. Elvidge questioned: Where is most of the work going to be conducted in the larger garage? Mrs. Weber stated: Yes, the large garage. Mr. Elvidge stated: If I was a client coming to your place and it is a quiet day I am looking for a parking space. There is nothing really called out for that. I would have to park in front of your garage doors. I think a parking space or two for someone coming in to make an inquiry about having their car repaired. I think to the left of that metal garage would satisfy the need for clients coming and inquiring about getting their car fixed. If you have two dedicated spots there it will solve that problem of people being blocked in. I think you are going to need that in the future. Can you slide three spaces in there Mr. McCabe? Mr. McCabe stated: Yes. Mr. Ricciardo asked: Mr. Simmons then that would eliminate the need for a variance on the parking. Mr. Simmons stated: If he can make the 20 spaces, yes. Mr. McCabe stated: Mr. Simmons' calculation was for commercial retail, with the exception where they may sell those two vehicles. This is not a commercial retail, it is a service business. So it is not the calculation you would use for that. Mr. Simmons stated: What did you come up with? Mr. McCabe stated: Based on what their demands are going to be, how many people they will have and how many vehicles they can work through in one day. Mr. Ricciardo questioned: What does the ordinance require you to provide? Mr. McCabe stated: There is nothing in our ordinance that talks about auto repair shops. Mr. Ricciardo questioned: Ms. Millikin is that true? Mrs. Millikin stated: There is

nothing specific under the conditional use. When I was taking a look at it I referred to a retail. Mr. Elvidge stated: I think it will benefit you to put as much on there right now to benefit you in the future. Mr. McCabe stated: Then we can count these spaces that store the vehicles in the buildings. You can get two into the small one and four into the other bay. Mr. Elvidge stated: The layout is nice. The paving is good, you have parking inside, and something dedicated to visitors in that small little area. That is just a suggestion.

Mr. Ricciardo question: Mr. Simmons, there is a note here about scarifying the existing pavement beyond the proposed railing. Mr. Simmons stated: Looking at the main site plan down by Hampton Street where the word stop is written to the left or west of that new edge of pavement where it says stop. That triangular piece of pavement Mr. McCabe indicated is going to come out and it is going to be grass.

Mr. Ricciardo questioned: Section d, requires off-street spaces to be curbed or equivalent. What is equivalent? Mr. Simmons stated: In this case, the applicant is not proposing to curb the parking area or access drive at all. The water would flow off of them. They have provided in spaces 12 and 13 through 15 the concrete parking stops that would be re-barred into the pavement. Normally we require curbing. In this case, one of the things I would suggest to the Board that you have to look at is the storm water issue. As you look at the site plan by the "s" where it says Hampton Street you see a couple of manhole covers and an inlet in the curb line of Hampton Street. That is where the storm water from this area gets it. When you look at the site plan you have one car width driveway paved going up to the site right now, as you can see, you are doubling the driveway and adding 13 more parking spaces plus the additional parking spaces on top that we talked about that are going to be paved. We are going to get an additional amount of runoff. This is below the storm water rules, but in order to mitigate with the water quality and detention what Mr. McCabe proposes is that rectangular infiltrator trench which allows the water to flow off between the parking stops and go into the trench and down into the ground. The excess water would go over the curb line and get towards those inlets at Hampton Street. If parking spaces 1 thru 12 were curbed you would concentrate it all down in the lower space 12 and hard pipe it down to the inlet. But, there is limited amount of mitigation as far as detention or recharge that you could get from that. Because of the grass area that they have got the suggestion is to take advantage of that and put the curb stops in so that it controls the traffic flow. It stops the cars from going off the pavement onto the grass and allows the sheet blow off for some water quality and some infiltration and detention as far as the septic grade is concerned.

Mr. Ricciardo questioned: Mr. McCabe, are they going to be sloped those parking spaces? Are you going to fill that? Mr. McCabe stated: No, we have not regarded the slope there is unacceptable for that type of parking. We are going to continue the sheet flow the way it is. By doing this you are limiting the amount of alterations to the site. We want to keep everything as flat as possible so it looks natural. Mr. Ricciardo questioned: From the top of the driveway where the parking starts we are at 504 and the bottom at space 12 you are 498. That is quite steep. You are going to be on an angle making it difficult to getting out the driver side door. Discussion ensued.

Mr. McCabe questioned: On Page 3, Item c Mr. Simmons talks about the inlet and there is some sort of pipe coming out of the inlet on the northerly side. Mr. Simmons stated: We checked in

our files and it is a very complicated structure under there. It looks like there have been some stake posts and some concrete slabs put over top. I know that over the years there have been some pipes that no one has known about. I would suggest that out the back of this structure that there be a test hole dug to find out now before you start if there is something going back up there. One of the comments we got on this site is while the applicant is trying to hold to the existing grading and minimizing site construction there are certain features they haven't checked out grade wise here. For example, they are putting parking spaces over existing dry wells which may have been designed for H2O loading or may have to be lowered and/or replaced if they have any heavy loads going through the structures. There are existing sanitary sewer and water service lines that have to be check as far as the grade goes to make sure when they are done they still have adequate cover over them so the lines are not crushed and so you don't have a frozen water line in the wintertime. The square box where it says on the bearing South 54100 west, where the "s" is in South. That is the structure that is the suspect. I think it would be best if the applicant would dig some test holes there just to be sure there is not a drain going back there. If there is nothing coming out of it fine. I would rather find out now if there had to be relocation or redesign.

Mr. Ricciardo questioned: Mr. McCabe is it possible to relocate spaces 12, 11, and 10 to the opposite side of the driveway? Is there sufficient room between where you have the top soil stock piled and the utility pole or the tree so they are not so close to the street? Mr. McCabe stated: I can bracket it with two cars on the downhill side and one on the uphill side of the pole. Mr. Vandyk questioned: Is there enough room between the pole and the tree? Mr. McCabe stated: In between the pole we would have to get a little more area for that, but you can get that in. Mr. Simmons stated: If you did do that, then both parking spaces would slope from the west to the east and the drainage would come down the driveway and go straight down. It would not flow into the interceptor trench. Mr. Elvidge questioned: Could you put something to catch the runoff and run it into where you want it to go? Mr. Simmons stated: You could always put an inlet there and pipe it and bring it over to the interceptor. Mr. Ricciardo suggested: You could put a trench drain across the driveway and have that pick it up and pipe it to the interceptor. Mr. Simmons stated: Yes you can. Mr. Ricciardo stated: That is the same place you can put the oil separator. Discussion ensued. Mr. Simmons stated: As long as they had the interceptor trench to bring it across so you don't send the water straight.

Mr. Ricciardo questioned: Are they going to be shoebox lights? Mr. McCabe stated: Yes. They are going to be 15 foot high. Mr. Ricciardo questioned: With screens on them? Mr. McCabe stated: If you take a look at where the candle falls it does not pass over the property line. Mr. Ricciardo stated: Just a little bit over, but it is not far enough. Mr. McCabe stated: This will be on a timer and will not be on all night like that.

Mr. Ricciardo questioned: On Page 4, the architectural issue that Mr. Simmons brought up about not providing architectural plans for the layout in the one building. Mr. McCabe stated: That is because we do not have an architect. It is just going to be a bathroom. It has to be handicap accessible. Mr. Ricciardo stated: That is reasonable.

Mr. Simmons went through his report.

Page 3, Item h – The asphalt that crosses on the adjacent lot, is there a cross-easement there? Mr. McCabe stated: There is none there anymore. Mr. Simmons stated: Is the fence going to go across? Mr. Ricciardo stated: I strongly recommend that the residential property next to it be screened in some manner, especially since we have the waste disposal. Mr. McCabe stated: We will take the 6 ft. high 12 year fence and extend it across the asphalt and in back of Lot #9. The Board had no objection to that.

Page 3, Item j – The sidewalk. It is brought up because the construction is sidewalk and required by the Planning Board. On the Southerly side of the Hampton Street there is a sidewalk. On the northerly side of Hampton Street as you go to the property and to the east there are some retaining walls, but close to the street. It would be tough in this case.

#5 – Lighting. Mr. Simmons questioned: Did we specify a time to turn off the timers? Mr. McCabe stated: Not yet.

Storm water drainage – Mr. Simmons stated: Storm water drainage would have to be revised based on the conversation with the Board. If the Board were to act favorably with the application that would have to be revised based on the conversations tonight. We talked about working with the Public Works Department to verify whether there is any drainage or not.

Item 7 – Signage. Mr. Simmons stated: They are proposing a 20 square foot free standing business sign. There is a sign on the right and middle garage there was a sign on the front and I didn't know if the applicant was proposing to keep that sign and change the lettering. Mr. McCabe stated: No the only sign that will be on the building is the one on the door and will say "We Take Visa, Mastercard and American Express" and the hours of operation. The existing sign will be coming down.

Mr. Simmons stated: There was not an Environmental Impact Statement but there are certain issues I think the applicant should explain to the Board. They should include: the hours of operation, disposal of material, noise and storage for vehicles in need of repairs. Mr. McCabe stated: The hours of operation are Monday thru Friday from 7:30 am to 5:00 pm and Saturday 8:00 am to 12:00 pm. Saturday they do not work in the summer time. Disposal of waste materials as we talked about surplus or used metal work be stored in the area where the Middle County Cardboard is. We have a 10x10 wood enclosed area for recycling materials. They will be hauled out by a licensed hauler from the enclosure. The owner will be responsible for taking out the wagon load of recycled metal. Mr. Ricciardo questioned: When you say wagon load what do you mean? Mr. McCabe stated: They have a small trailer. Mr. Ricciardo questioned: Where is that stored? Mr. McCabe stated: Metal will be stored under the metal canopy area, the recycling and waste in the enclosure area. Storage vehicles we know there are certain requirements under the conditional use we are prepared to adhere to. Most people pick up cars at the end of the day. Some cars will be staying overnight either inside or outside, depending on the condition of repair or parts. Noise from the auto repair shop operation will be the same noise you would get from any other mechanic shop except here you will have it further away from the street. Mr. Ricciardo questioned: How about the neighbor on Lot 9? Mr. McCabe stated: He was only concerned about the wood fence, otherwise he had no problem. Mr. Simmons

questioned: All the repairs will be done inside the building? Mr. McCabe stated: There will be no outside repair at all.

Mr. Simmons stated: With regards to construction details we had minor comments for additional information. I don't think the applicant had any problem with them. Mr. McCabe stated: We totally agree on them. Mr. Simmons stated: Under Miscellaneous just to provide an as-built to make sure we are all squared away for the Town's records. There are six various waivers that I think we need based on this type of application.

Mr. Soloway questioned: Mr. McCabe, are there any other recommendations that the applicant is not comfortable with? Mr. McCabe stated: We have no problem with the report.

Mr. Ricciardo questioned: Are you coming back with a revised drawing? Mr. McCabe stated: Unless you want Mr. Simmons to review and approve the changes that you approved tonight. Mr. Soloway stated: I recommend coming back to the Board because we are in a variance situation. I would ask that the applicant make the revisions that we discussed.

Mr. McCabe stated: The excavation will be done for the storm drainage.

Mr. Flaherty questioned the curb to wheel stops.

Mr. Flaherty - stops, Mr. Vandyk - stops, Mrs. Fowler - stops, Mr. Ricciardo - curb.

Mr. Ricciardo questioned: When you said storm drainage you neglected to say oil separator? Mr. McCabe stated: We are not going to put one in because we are not going to have any place to run off. If you are having a tension trench there and that is going to go into the interceptor drain. Mr. Ricciardo stated: The closer you move the drains to the buildings the more possibility of oil coming down there. I really think that you should try to include the oil separator in your revised plan since you are not willing to discuss any kind of water recovery system. Mr. McCabe stated: Let me discuss this with my client first.

Mr. Ricciardo questioned: How do you intend to water your new vegetation and new screening? Mr. McCabe stated: A watering can. Mr. Ricciardo stated: Let's be realistic. I understand the economy is bad and it is somewhat costly to put a recovery system in but if we do not address it with every applicant and it is not done we are going to get to the point where we are going to have no water for any future development or any redevelopment. The Town is taking an effort to research where the leaks are and have made tremendous strides, with Mrs. Millikin's direction, to recover a lot of the water that is lost. We are asking all the applicants that come before the Planning Board to put in gray water recovery systems and to recover the storm water for landscaping and irrigation. It is really an important factor. If we neglect and say that it is too costly to do, it is going to be way too costly to buy a reservoir somewhere else and pump the water to Newton. It is something I am not willing to compromise on. Mr. McCabe stated: I would agree with you on new construction but when you are talking about retrofitting here for gray water. Mr. Ricciardo stated: Forget the gray water, how about storm water recapturing for irrigation. Mr. McCabe stated: We have stuff right now on the building where we have two existing dry wells. Mr. Ricciardo questioned: What do you do with that water just let it sit there?

Mr. McCabe stated: It goes in the ground and recharges the ground. Mr. Ricciardo questioned: How do you protect your vegetation or new plantings? Mr. McCabe stated: They are going to have to be watered. Mr. Ricciardo questioned: So you are going to use municipal water from a hose? Mr. McCabe stated: Yes. Mr. Ricciardo questioned: If you recaptured some of that water and put a pump situation in and put some sprinklers down by the new vegetation so you don't have to use municipal water, which you will pay for. If you do it this way you will eventually get your money back. Give me a solution to recapture storm water and I may be willing to compromise. Mr. McCabe stated: We have fifty gallon rain barrels that comes off the roof. Mr. Ricciardo questioned: Is it enclosed or open? Mr. McCabe stated: It has a screen top and it does have a spicket that ties into a garden hose.

Mr. Ricciardo stated: Come up with an alternate solution for recapturing some of the storm water.

Mr. McCabe stated they would look at it. Mr. Soloway stated: This application is carried to September 23, 2009 at 7:00 pm, no further notice required.

Mr. Vandyk opened the meeting to the Public. With no public coming forward Mr. Vandyk closed this portion of the meeting.

Mr. Ricciardo made a motion to go into executive session. Mrs. Fowler second the motion. The meeting went into executive session with a unanimous "aye" vote.

Mr. Ricciardo made motion to Adjourn. Mrs. Fowler second the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 9:51 pm.

The next regular scheduled meeting will be September 23, 2009 at 7:00 pm in the council chambers of the Municipal Building.

Respectfully submitted,

Katherine Citterbart
Planning Board Secretary