

**Planning Board Meeting**  
**Special Meeting November 12, 2009 at 7:00 pm**

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

**Members Present:** Mr. Elvidge, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk, Chairwoman McCabe

**ABSENT:** Mr. Caffrey, Mr. Flaherty, Mr. Russo, Mr. White

**ALSO PRESENT:** Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, Cory Stoner, Board Engineer from the firm Harold E. Pellow & Associates, Debra Millikin, Deputy Town Manager, Kathy Citterbart, Board Secretary.

**FLAG SALUTE**

**RESOLUTIONS**

**Sussex Enterprises, LLC (#PB-07-09)**

**Block 1301, Lot 10, C-4 Zone**

**Property Location: 65 Sparta Avenue. Applicant is requesting Preliminary and C-2 Variance. Representing the applicant is Keith Hych, Newton, NJ.**

**Mr. Vandyk made a motion to approve Resolution #PB-07-09. Mrs. Fowler second the motion.**

**AYE:** Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Russo, Mr. Vandyk, Mr. White

**OLD BUSINESS**

**Martorana Enterprises (#SP-08-07)**

**100 & 104 Sparta Avenue, Block 1201, Lots 5 & 5.03.**

**Applicant is seeking approval for site plan to allow construction of two retail buildings pursuant to a remand from the Superior Court. Carried to December 10, 2009 at 7:00 pm with no further notice required. Anthony Fiorello represented the applicant.**

**SWORN:** Thomas Donahue, 35 Prospect St., Waldwick, NJ

Chairwoman McCabe questioned: There are three memos from Mr. Simoff. Mr. Dean have you received these memos?

Mr. Soloway stated: Mr. Elvidge, Chairwoman McCabe, and Mrs. Fowler have signed certifications that they have reviewed the transcripts of the last meeting. Mr. Ricciardo and Mr. Elvidge had to disqualify themselves half way through the hearing based on ongoing

representation of them by Mr. Kelly. Mr. Kelly is no longer the applicant's attorney. They no longer have to disqualify interest.

Mr. Fiorello went through the Exhibits for Lots 5 and 5.03 Block 1201 prepared by Donahue Engineering 7/30/07 with last revision date 10/30/09. Planning Board Engineer comments, 8 pages. Mr. Simoff went through the changes on the plan.

Chairwoman McCabe opened the floor to the public.

Charles Briggs, 73 Pine St. When you took the plans to the state was it these plans or the old plans. You revised these and took one foot of the buffer to gain access to make spots open. You did that to create your spots? Mr. Simoff stated: That had nothing to do with it. The driveways are the same. The building size is the same. The County does not review that. They only reviewed the driveway. Mr. Briggs stated: That's what they came back with so when you took the buffer you took one foot from the back side all the way up? What is that like 350 square feet? Mr. Simoff stated: Right. Mr. Briggs questioned: The deliveries that are made to the Quick Chek they come from Durling farms? Mr. Simoff stated: Yes, but not all of them. Mr. Briggs questioned: Do the refrigerated trucks come from Durling Farms? Mr. Simoff stated: Not all of them. Mr. Briggs questioned: You stated that it was a wheel base of 65 feet. Mr. Simoff stated: Yes. Chairwoman McCabe stated: They are going to be restricted on the property. Mr. Briggs questioned: What is the total size that is going to be allowed on the property? Mr. Simoff stated: WB 50. Mr. Briggs questioned: Is that going to be a straight or single axel wheel base? Mr. Simoff stated: No, it will be an articulated axel with a trailer of 48 feet. Mr. Briggs questioned: The turning ratio when turning into a 90 degree when turning into the parking lot? Mr. Simoff stated: Outside radius is 48 feet. Mr. Briggs questioned: On the one side it is only 13 feet? Mr. Simoff stated: It is all a function of the radii that we plotted. We have a compound radius on the eastern driveway. We flattened it out and it is not a constant radius. Chairwoman McCabe questioned: Don't you have to get final approval on the turning radii from the County? Mr. Simoff stated: Yes.

Kent Hardmeyer, 70 Pine Street. Mr. Simoff, could we look at the first set of maps the site plan? Mr. Simoff stated: The Donahue plan? Mr. Hardmeyer stated: Yes. How do I get to the Quick Chek from the north side of Newton? Can you trace that out for me? Mr. Simoff showed Mr. Hardmeyer where the traffic enters and exits. Mr. Hardmeyer questioned: I can park anywhere I want in the driveway right now? I think it is straight ahead. Mr. Hardmeyer questioned: What is it going to be under the new plan? Mr. Simoff stated: Angle parking. I don't know the angle. Mr. Hardmeyer questioned: How do I get there? Mr. Simoff stated: You will have to come past the site and make a right in the eastern driveway and another right to head back or you can come in the center driveway and go around the back of the building. Mr. Hardmeyer questioned: Okay. That is going to be restriped. Mr. Simoff stated: It is going to be restriped and there is going to be a center island that is required by the County. Mr. Hardmeyer questioned: It is going to be more difficult for the people to get to the Quick Chek after this plan is developed. The ingress and egress will not be as simple as it is right now. Mr. Simoff stated: Not as simple as it is right now. This was suggested by the Planning Board and we incorporated that into the plan? Chairwoman McCabe stated: That was because of the way the County let them do the ingress and egress. There would be stacking in the parking lot. Mr. Simoff stated: Anything we do to this site we would have to do this configuration. Mr.

Hardmeyer questioned: All this is based on the County. Why didn't go to the County at the beginning of this process? If you were told two driveways before you came to this Board things would look a lot different and better. Mr. Simoff stated: We went to the County early on in the process.

Andy VanOrden, 1 Linnmor Avenue. I am coming from Newton and I want to go to Quick Chek. I go in the first driveway and around Quick Chek and park. To leave I have to go around Quick Chek and go back out make a left and go around Quick Chek again and wait in the cue to make a left turn and go back home? Mr. Simoff stated: Yes. These are the present standards. Mr. VanOrden stated: Maybe this plan is too big considering the driving area the County said you have to do. Maybe the idea is to go back and make it smaller so the driveways do fit. You are stuck with these driveways so make a plan to fit the driveways. The Board made a suggestion about a year ago and it just got thrown away.

Chairwoman McCabe closed this portion of the meeting.

**Mr. Ricciardo made a motion to carry to December 10, 2009 at 7:00 pm. Mrs. Fowler second the motion.**

**AYE:** Mr. Elvidge, Mrs. Fowler, Mr. Ricciardo, Mr. Vandyk, Chairwoman McCabe

#### **ADJOURNMENT**

**Mrs. Fowler made motion to Adjourn. Mr. Ricciardo second the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 10:46 pm.**

**The next regular scheduled meeting will be December 10, 2009 at 7:00 pm in the council chambers of the Municipal Building.**

Respectfully submitted,



Katherine Citterbart  
Planning Board Secretary

## EXHIBITS

**Exhibit A-1 dated 10/21/09 Exhibit Preliminary & Final site Plan**

### Martorana

**Exhibit AR-1 Simoff Traffic Plan 9/4/08**

**Exhibit AR-2 Engineering site plan 10/30/08**

**Exhibit AR-3 Circulation Plan 12/1/08**

**Exhibit AR-4 7/30/08**