

Planning Board Meeting
Regular Meeting December 16, 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. Citterbart called the roll. Board Secretary Citterbart stated there was a quorum.

Members Present: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

ABSENT: 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, and Debra Millikin, Deputy Town Manager.

FLAG SALUTE

CONSIDERATION OF MINUTES

October 21, 2009

Mrs. Fowler made a motion to approve the October 21, 2009 minutes. Mr. Vandyk seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

November 12, 2009

Mr. Ricciardo made a motion to approve the November 12, 2009 minutes. Mr. Elvidge seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Mrs. Fowler, Chairwoman McCabe

HISTORIC RESOLUTIONS: None

RESOLUTIONS

Wachovia Bank (PFSPV)

Property Location: 122 Water Street

Block 303, Lot 26.06, C-3 Zone

Mr. Elvidge made a motion to approve the resolution. Mrs. Fowler seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

NAY: Mr. Ricciardo

North Park Urban Renewal Associates (MNSPV7-2007)

Property Location: Rt. 206 & North Park Drive

Block 303, Lots 26.02, 26.03, 26.04m 26.06, C-3 Zone

Mr. Elvidge made a motion to approve the resolution and Mr. Vandyk seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mrs. Fowler, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

PUBLIC HEARING

Amendment to Master Plan for the Circulation Plan

Chairwoman McCabe introduced Jessica Caldwell and Cory Stoner of Harold E. Pellow & Associates. Mrs. Caldwell indicated she would discuss the circulation plan of the master plan and Mr. Stoner would discuss the traffic calming techniques.

Ms. Caldwell discussed Streetscape & Landscaping. As part of the plan the use of public art to accent the roadways and beautify the town is being proposed.

Mr. Stoner discussed the Redevelopment Areas and how many trips would be generated from these potential developments. He stated that traffic analysis data was used to prepare the information.

Chairwoman McCabe questioned whether there is a possibility for future connectivity from Moran Street past the pool. Mr. Stoner stated that the park would be cut in half and would not recommend a road go through the park.

Mr. Stoner: continued on the traffic and the potential to have a left hand turn at North Park Drive and Route 206. He feels there should be a dedicated left turn signal at the intersection of North Park Drive. Also another recommendation is to slow traffic down on North Park Drive. As part of the traffic calming Route 616 a/k/a Newton Sparta Road as well as options to improved the intersection of Diller Avenue, Merriam Avenue, Woodside Avenue, and Hicks Avenue are discussed.

Mr. Flaherty: On page 12, you list 616 Sparta Avenue as having approx. 11,500 vehicles per day and then on page 75, you have it as 20,000. If it is 20,000, then it becomes the principal rather than a minor.

Mr. Stoner: The issue is it depends on where you are. West of the intersection of Diller Avenue, the traffic count does drop down and east of Diller Avenue is about 20,000 (more realistic figure). About 40% of the vehicles use Diller Avenue.

Ms. Caldwell discussed Mass Transit. She recommends the creation of a loop within Newton connecting the hospital and the college and Spring Street. Also proposed by the county is a shuttle service to the Mount Arlington Train Station.

Mrs. Caldwell also indicated parking was reviewed. She recommended that Ryerson Avenue have parking permits to limit problems in that part of the town. Potential Parking garage locations are discussed as well as wayfinding signage for these parking areas. As part of these a design was created in Special District 9 to provide connectivity to the hospital. A matrix along with capital costs to work into the budget has been provided.

Mr. Flaherty: Not a fan of alleys. Promote more crime, create more accidents than they seem to solve. Questioning whether we should be encouraging alleys as part of the circulation plan (page 36). It has a tendency to create security issues.

Ms. Caldwell: The concept of alleys is that it goes with traditional designs and is a throwback to the older city developments where alleys provided another access point. They are being encouraged because they provide another method for entering structures and a place to put unsightly things like garbage.

Mr. Ricciardo: I am of the opposite opinion when it comes to our community where we have most of our public parking on Trinity Street which is the backside of our main business district. Thus, to encourage pedestrian alleys that are well landscaped and well lit will encourage people to park in these lots.

Mr. Elvidge: I agree with Mr. Ricciardo. It is a means to get from parking areas to Spring Street.

With respect to the Traffic Calming Techniques, Chariwoman McCabe questioned whether there has been any indication as to its success in calming traffic.

Mr. Stoner responded that he hasn't had specific information but he knows that it has been better for the schools and the crossings.

Mr. Flaherty questioned whether there is any way to put in traffic circles.

Mr. Flaherty questioned whether there is any way to put in preferred parking for senior citizens. Ms. Caldwell said that it wouldn't necessarily be regulated, but would be signed as a courtesy.

OPEN TO THE PUBLIC

Susan Murray, 145 Sparta Avenue, questioned on page 45 the term Chicanes (modified versions of curb extensions which create curves in an otherwise straight road, forcing traffic to slow while managing the curves). Ms. Murray questioned if there is any advantage or problems plowing with the construction features. Mr. Stoner said that the plow trucks don't like the neck down. The one in Sparta works nicely for traffic calming, but it has complaints from plows and people have hit them. Ms. Murray wanted to

clarify that rather than having the focus of getting the traffic through Sparta Avenue, was there certain ways of looking at it, but they're changing their perspectives.

Mr. Stoner: Yes they are. The Master Plan proposed the use of transect zoning, the County's new planning development standards also incorporate the transect area of design. Before they had a blanket design standard for any design in the County, but now they've changed.

Steve Kelmer, 21 Dillar Avenue, noticed on page 47, Traffic Calming is suggested for Merriam Avenue stopped just prior to the Patterson Avenue intersection with the redevelopment on Sparta Avenue. Will Merriam Avenue be re-opened to Route 206?

Mr. Ricciardo responded that the governing body has determined that until the State corrects the drainage situation at the intersection of Merriam Avenue and Route 206, the governing body would not re-consider opening the road until it has been completed and the drainage situation is corrected.

Mr. Kelmer stated that if Merriam Avenue was opened to Route 206, the traffic calming devices should be on that upper end through that residential zone out to Route 206.

Mr. Tom Hoffman, 101 Flat Brook Road, Sandyston expressed concern over the growing number of day laborers gathering in search of work. Until this is cleared up, the bus stop gets filled up, the parking area used by people trying to get into Brenda's are used up quickly, and is wondering if the Board has begun to make some recommendations on how this issue can be resolved.

Chairman McCabe: That is really a function of the Town Council and not the Planning Board.

Ms. Caldwell said that they did address it to a certain extent and recommended that the bus stop be analyzed in terms of its location and whether or not it should be moved to another location. Unfortunately, the issue of day laborers is beyond the scope of this plan and the Town Manager is aware of this issue.

Mr. Ricciardo: Moving the bus stop has to be negotiated with the County in order to find the right location.

There being no other public the public portion was closed.

Mr. Ricciardo made a motion to amend the Master Plan by adopting the document as slightly modified in accordance with the discussion. Mr. Elvidge seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mrs. Fowler, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

OLD BUSINESS

Town Square Gardens and J&R Developers, Inc. (#SPSD 11-9-2003)
Property Location: Hillside Terrace & Cherry Street

Block 401, Lots 12, 13, 30, 32 & 32.01
Block 203, Lot 38

Re-approval of Minor Subdivision for land deeded over to the Town of Newton

Chris Quinn, Esq. of Morris Downing & Sherred said that the original application was a preliminary subdivision and site plan. It was for 12 single family lots and a site plan approval. That morphed as a result of some creative thinking by the Newton planner into 42 apartments on a condensed piece of land next to the existing apartment complex. It left 17 acres of vacant land which was offered to be deeded to the town of Newton. The Town of Newton still wants this land. The original resolution of approval carried over the language of the original application of preliminary major subdivision and site plan approval, but it actually became a minor subdivision and site plan approval. The resolution approved and contemplated was that the minor subdivision was granted that night and we would submit a plan for the review of David Simmons and the attorneys. I think it is a re-approval of the prior minor subdivision.

Mr. Soloway: I wasn't here in 2004, but based upon what I do know about it, it appears that in terms of the aspect of the approval that it represents a subdivision as opposed to the site plan, it qualifies as a minor subdivision and I'm not aware of any reasons why it had to be done as a major subdivision. I understand the applicant now perceives itself to be under some time constraint.

Mr. Soloway indicated if it is deemed to be a major subdivision, you can't perfect anything this year because all you have in terms of what the Board has granted is preliminary major subdivision approval. That was granted in 2004 and extended in 2007 for one year. It was extended by operation of law as a result of the enactment of the permanent extension act of 2009. But, as a practical matter, in order to perfect a major subdivision, you can't do it by deed and you have to have final major subdivision approval first. I don't think the applicant's goal can be accomplished in that manner in this time frame. However, I am not aware of any reason why the Board is not so inclined to vote to effectively amend/clarify the 2004 resolution to indicate that it was designated as a major subdivision, but it should have been a minor subdivision. Once the Board makes it a minor subdivision, it very clearly has lapsed. As the Board is aware, there is a 190 day time limit for recording the deed, with one extension, but that is long gone. You will need to grant the same relief (that minor subdivision) again this evening. The deed, which has been approved by the town attorney and the office of the town engineer, is to be recorded this year. The applicant on the record would have to waive the benefit of reading the resolution. The Board can grant relief subject to conditions which will be incorporated in the resolution which would be adopted in January 2010. It is not intended to eliminate or amend any conditions of the prior approval and all application fees be paid before the release of the deeds.

Mr. Quinn: Taxes are up to date and will be brought up to date if they are not. Mr. Simmons requests that if the Board does act favorably that a map be filed as well as the deed.

Chairwoman McCabe: Part of the error was on the part of the professional who was here at the time. There should not have been a resolution that included a major subdivision.

Mr. Ricciardo made a motion to amend the prior resolution from a major subdivision and re-grant the minor subdivision approval (which has since lapsed) and waive the right to a written resolution. Mr. Flaherty seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mrs. Fowler, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

NEW BUSINESS: None

CONCEPTUAL

Krave Café

Property Location: Sparta Avenue

Block 1201, Lots 5 7 5.03

Planning to relocate to the Quick Check shopping plaza from Sparta Avenue and requesting to expand their tenant space. Applicant would like to know if a walk out freezer can be waived by the Board.

Mr. Hashway: The first phase is the temporary walk-in freezer which would be placed in the back of the building and would take up one parking space. The second phase of construction is a proposed 1,000 SF addition to the back of the building. The temporary walk-in cooler would give us the additional space needed on the inside while waiting for the completion of the additional square footage. After talking with the building owner, there is a thought now to put the addition on the front of the building. There is currently some unusable property that takes up about 1,000 SF.

Mr. Soloway: The architecture's letter on phase II indicates that with the 1,000 ft. extension, the intent apparently would be to ask the Board to waive site plan requirements to that small addition on the basis that there won't be an important impact on the site. I just have to point out that it would take up five parking spaces. The latest site plan submitted by the property owner shows 373 parking spaces and indicates that 369 are required for the property and if you subtract five, it would require a technical variance situation. The way things are contemplated right now as a waiver of site plan can not be considered due to the fact the Martorana application is in front of the Board.

Mrs. Hashway: What if we cut back on the square footage needed to 700 SF we don't take up so many parking spaces?

Mr. Soloway: That is for the Board to decide.

Chairwoman McCabe: It is a very difficult site that we are dealing with because there is a lot of controversy about what ultimately it will become.

Mr. Ricciardo: We are dealing with existing conditions. What they used for the parking layout is based on the proposed Martorana development. The current application has to be handled based on what is presently on site. The extension at the rear has no drastic effect on the site as it sits presently.

Mrs. Millikin asked about the timeframe for the walkout freezer.

Mrs. Hashway: The plan is for the walkout freezer to be the first phase and a year or two would be the addition. Because of the time constraints and the location we're in, we need to move forward. We're hoping to relocate by March 31st.

Mr. Soloway: I would recommend against any waiver for phase II.

Mrs. Fowler made a motion for the following:

1. approve phase I for a waiver of the site plan provided that the cooler is temporary
2. the waiver of site plan is not to be deemed as an approval of phase II or in any way approving the pending site plan for the larger property
3. the temporary cooler be screened to the satisfaction of the zoning officer

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mrs. Fowler, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

ADJOURNMENT

Mrs. Fowler made motion to Adjourn. Mr. Ricciardo seconded the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 9:30 PM.

The next regular scheduled meeting will be January 20, 2010 at 7:00 pm in the council chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary