

Planning Board Meeting
Special Meeting of March 4, 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 Board Secretary Mrs. Citterbart called the roll. Board Secretary Citterbart stated there was a quorum.

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

ALSO PRESENT: Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, Mr. Ross Sheasley, A. Nelessen and Associates, Jessica Caldwell from the firm Harold Pellow and Associates, Board Engineer, and Board Secretary Mrs. Citterbart.

FLAG SALUTE

CONSIDERATION OF MINUTES

None

RESOLUTIONS

**#PFSPV 4-2007 – Kohl’s – Block 303, Lot 26.05, 11 North Park Drive. Final Site Plan.
Mr. James Fox represented the applicant.**

Lawrence Bozik, Civil Engineer, Dresner & Robin, 7 Doig Road, Wayne, NJ, License is current.

Chairwoman McCabe questioned: Mr. Soloway is there some changes from the resolution? Mr. Soloway stated: There is a change from the draft that was circulated to the Board. That is on Item #6 on Page 4. Mr. Fox called me with regard to extend the April 30 date. He indicated the Developer’s Agreement requires for that date to be extended for the Council and the Planning Board to agree. I added language subject to your approval that the Planning Board had no objection to extending it. If the Town Council determines it is appropriate to grant the extension. Mr. Ricciardo questioned: How long does he want it extended? Mr. Soloway stated: My recollection is about 2 months or so until June 30th. Mr. Simmons indicated in his memorandum that due to weather conditions that it would be problematic and that an extension would have to be required.

**Mr. White made a motion to grant the extension if the Town Council determines it is okay.
Mrs. Fowler second the motion.**

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

Ms. Millikin stated: We have spoke with Kohl's in the past week and a half. Apparently they have to put in a generator on the outside of the structure so they will be coming in for an amended site plan. Mr. Soloway stated: My understanding is that the generator is actually being required by the Town. There is a code compliance item. Mr. Fox is not happy. Mr. Ricciardo questioned: Is it an emergency generator for what reason? Mr. Soloway stated: It is designed if there is a power failure. The code official thought it might not be sufficient to provide enough lighting the way they had it set up to evacuate the building during a power failure at night. Mr. Ricciardo questioned: From my understanding it is not a code requirement and he had an opportunity to review the emergency lighting plan prior to approving it for the building permit. I don't think it is fair that he goes in later and ask for an emergency generator because the plan is insufficient at this time. Mr. Soloway stated: That is what Mr. Fox was saying. This is a code issue not a Planning Board issue. Mr. Russo stated: They do not have a problem with putting in a generator and they are happy to come back to the Planning Board at the next meeting and the code official was going to issue them a temporary c/o for 90 days.

#SP 08-07 Martorana Enterprises, Block 1201, Lots 5 & 5.03, 100 & 104 Sparta Avenue. Resolution to deny major site plan approval to construct two retail buildings.

Mr. Soloway stated: This is the identical to the draft resolution I circulated a while back. I changed a couple of typos and changed the date. There has been no substantial change. Three members are eligible to vote on this Mr. White, Mr. Vandyk, and Mr. Caffrey.

Mr. Vandyk made a motion to approve the motion to deny. Mr. Caffrey second the motion.

AYE: Mr. Vandyk, Mr. White, Mr. Caffrey

SPARTA AVENUE REDEVELOPMENT PLAN

RECUSED: Mrs. Fowler

SWORN: Mr. Ross Sheasley, Jessica Caldwell

Mr. Phalon took Mrs. Fowler's place.

Mr. Sheasley gave an overview of his report dated March 2009 for the Sparta Avenue Redevelopment Plan.

Chairwoman McCabe questioned: What is the thought about the future of the bike lane? What is the progression if we need to develop bike lanes in the town? Mr. Sheasley stated: The goal is to have the bike lanes extend beyond this block either Merriam Avenue or Pine Street at some point. Any future redevelopment plans will address that where the bike lanes and the paths would connect to a larger network throughout the town to provide more opportunities for bicyclists as well as improving the sidewalk network to make the visibility more pleasant. Chairwoman McCabe questioned: Newton has a sidewalk ordinance that anyone who comes before the Planning Board has to include a sidewalk. Is it the Town's plan in the future to

require a bike lane? Ms. Millikin stated: That is something Ms. Caldwell's office is working on right now. We got a grant to do an entire circulation plan for the entire town. Included in that is both bike and pedestrian. Ms. Caldwell stated: We put in a preliminary bike path in the Master Plan.

Mr. Sheasley reviewed his report of March 2009.

Chairwoman McCabe opened the floor to the public. With no public coming forward this portion of the meeting is closed.

Chairwoman McCabe made a motion that the Planning Board recommends to the Town Council that it adopt the proposal with some minor revisions which will be detailed in an Appendix as the redevelopment area. Mr. White second the motion.

AYE: Mr. Ricciardo, Mr. Elvidge, Mr. Russo, Mr. Vandyk, Mr. White, Mr. Caffrey, Mr. Phalon, and Chairwoman McCabe

Proposed Revisions

Page 5 - There is a typo on the resolution, there is a number missing.

Page 10 - Take out "the Town is currently in the process of updating the Zoning code."

Page 10 - T-5 technically they don't exist as zones yet so I would not say "allow". They do exist in the Master Plan but it is not an ordinance. The 2 lines in the middle paragraph you are missing set forth.

Page 12 - The first full paragraph is a typo. One of the words "continues" should come out.

Page 16 - Definitions. Allowable building footprint. Needs clarification. The last sentence in same paragraph "see below." Move sentence to the next definition.

Page 20 - Permitted Use, Item 2, change "high tech" office to say "technology based."

Page 20 - "Accessory uses" change to "accessory structures"

Page 20 - Interim Use as approved by Planning Board restricted to construction staging area and surface parking facilities.

Page 25 - Clarify that minor deviations to internal circulation should be approved by Planning Board, streets exterior to site-by County and Town Engineer as appropriate. Delete the work "minor."

Page 28 - Define green space to include walkway and plaza as appropriate.

Page 29 - First paragraph has too many possibilities.

Page 29 - Second paragraph states the major arterial is indicated with orange color. It will be red.

Page 39 - The Setbacks need clarification. Might say "setback from adjoining property" instead of using the word "side yard."

Page 40 - Defining 5 floors or 65 feet. Will be measured from the average grade to the highest point of the roof. The highest point of the roof does not include the parapet wall. Decorative parapets shall be not more than 4 feet.

Page 45 - Item #6, add in a possibility for a flat roof.

Page 46 - Signage package. Sign standards similar to those contained in sign ordinance for Commercial/Mixed Use/Retail uses should be inserted. Take the language you want and put the standards in. The sign should not exceed 40 feet. Pylon signs should be excluded.

Page 52 - Item 4 clarify with Pages 29-31. For the thoroughfare sections will change to 2 foot minimum.

Page 53 - Item 2, Planting Requirements - Make consistent throughout that street trees shall be spaced every 25 feet.

Page 53 - Item 7, Planting Requirement - "According to Town regulations" shall be struck with respect to sight triangle.

Page 53 - Item 3 - Light standards to be added pursuant to Town Engineer.

Page 53 - Item 4 - Lighting. Clarify that lights should be space a maximum of 40 feet.

Page 55 - Strike reference to Residential Site improvement standards.

Page 56 - Item 3 - Provisions for recycling of rain water must be factored into storm water management program, as must provision for green roofs and water gardens if utilized. Paragraph 6 - will change "places" to "location."

Page 57 - Clarify that approval of signage shall be by "the relevant town authority."

Page 57 - Insert construction sign size limitations commensurate with Paterson Avenue Redevelopment Plan and Hicks Avenue Redevelopment Plan.

Page 58 - Left hand column - Delete the word "suggested"

Page 64 - Minor deviations - strike reference "minor"

Page 65 - First paragraph strike #4 and #5

Page 67 - Planning Board Review #1 – Site plan shall be submitted – Strike reference to property owner.

Page 68 - Delete #6

Page 68 - Last paragraph – delete “as a courtesy”

EXECUTIVE SESSION 10:36 PM

Mr. White made a motion to go into Executive Session for pending litigation. Mr. Vandyk second the motion. The motion for adjourn to executive session was approved with a unanimous “aye” vote.

RECUSED: Mr. Ricciardo, Mr. Elvidge

Mr. Vandyk made motion to Adjourn. Mr. White second the motion. The meeting was adjourned with a unanimous “aye” vote. The meeting adjourned at 10:35 pm.

The next regular scheduled meeting will be held on March 18, 2009 at 7:00 pm in the council chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary

