

**BOARD OF TRUSTEES
VILLAGE OF WARWICK
AUGUST 20, 2018**

7982

The regular bi-monthly meeting of the Board of Trustees of the Village of Warwick was held on Monday, August 20, 2018. Present were: Mayor Michael Newhard; Trustees Barry Cheney, William Lindberg, Eileen Patterson and George McManus. Also present were Deputy Clerk, Barbara Ranieri and Village Attorney, Stephen Gaba. DPW Supervisor, Mike Moser was absent. Also present: Lt. Radar, Zachary Szabo, Beau Kennedy, Michael Jardino, Laura Jardino, Walter Parkinson, Mike O'Neill, Tom Scott, Nancy Reinauer, Bob Wache, Jerry Schacher, John Richards, Karen Clark and others.

The Mayor called the meeting to order.

The Deputy Clerk held the roll call.

Public Hearing for a special use permit application for the proposed construction of one, forty (40) unit apartment building with associated parking located on Forester Avenue, Warwick, NY, section, block and lot 211-12-1.

The Deputy Clerk read the public notice.

Mayor Newhard: Thank you everyone for coming this evening. The first part of our meeting is a public hearing on a special use permit. The first part of the public hearing will be a presentation by Mr. Kennedy and his associates on the proposed apartment development on Forester Avenue.

Beau Kennedy: I think we'll turn it right over to our engineers.

Mayor Newhard: If you don't mind also stating your name for the public record.

Zachary Szabo: We are proposing a 40-unit apartment complex with associated parking. We actually provided extra parking along here and some along the other side. We require 80 spaces. We're proposing 97 to accommodate (inaudible). We actually have some front view renderings and on the back of this we actually have the renderings for how the building is going to be put up.

Michael Jardino: Good evening, I'm Michael Jardino, my partner Laura is here also. We came to the site with an open mind and toured your wonderful town. It really is a great town. We took a lot of cues from the architecture that's all around Warwick. Our main goal here was to create a little Village feel to this apartment community specially to block the view of the building behind it, which is not the most attractive thing to look at. In doing so what we came up with is the idea a U-shaped building that would develop a community courtyard in the middle that would be highly amenitized landscaped gardening feel to it. Then to have the apartment building at the street become a little

Villagey look; small town houses that are apartments but they're a small town house look stepping down the hill because there's quite a grade across the site from the south end of the site; it drops 16-17 feet at the lower end of the site on Forester, which is a pretty significant grade change especially for a multi-family building, but we were able to accommodate that by doing a stagger of the town house architecture across the front. What this also does aside from giving it the traditional neighborhood feel is very effectively block the view to the property behind. We thought we had achieved our main goal in that and then we've created a muse entrance into the landscape courtyard here in the center which would be for the residents here but I'm sure others might just wander in there every now and then to take a look. The buildings themselves are organized around two legs that work their way toward the back of the site. As one enters the site on this side there are parking garages under the building for private indoor parking. There are also parking spaces flanking the drive in and you'd circulate around and then this begins to grade down again as it must and on the other leg of the building under the first floor of residences is parking under here as well, similar to this parking. So, there's parking here, here and you work your way around the building, under the building here and parking here. There's surplus parking provided in this region of the site. The site as you probably are all aware of at the moment is pretty much a paved parking area and in various stages of disintegration. I didn't make myself clear this is on grade parking under the building, so at this side of the building you can park, you enter into a stairwell here and off of this stairwell you enter into the apartments on the same floor level. So, here's the building section we used to study the building height; this area here is for parking cars and this area is for parking cars. This is one through floor of apartments and second through floor of apartments. In this building there's just a frontage of apartments on the garden and then the second level is a through floor and then in just the entrance side (inaudible).

Laura Jardino: Going through the architecture one of the items that we were very well aware of were there were height limitations within the township and we wanted to maintain the feel of the scale of the buildings, but we also wanted to take advantage of the slope, the terrain that Michael had pointed out was on the site. So in doing that we recognize that if we did utilize a portion of that for parking; we refer to that as double bubble because not only are you using the ground level for parking but you have the ability to use the space above that parking for residential units so instead of squeezing all the parking at the rear of the site which at one point had been proposed, that solution unfortunately, although it had three story frontage on the street it also had three story frontage of the residential units that we wanted to obscure. Instead by creating the U-shaped building and incorporating some parking we were able to take better advantage of the land available and by creating this view we actually have terminated the walls at the extreme ends of the view so that there are no windows viewing that existing building. All the views are either internal into the courtyard or over their own respective parking to the neighborhood beyond. So going back to the building heights we originally had taken individual... actually I'll go back to this one again, we originally had taken individual

cuts through the building to make sure that all the respective areas when we take the average grade on the high side to the low side then from the lowest eave to the ridge of the roof and half of that distance was always under the 35 feet. However, it was recommended at our last meeting that we look at the building holistically instead of individually. So what we ended up doing instead was we took the grade at each corner both the outside grades and the interior grades of the building and created an average so ended up running from the highest elevation of 544 to the lowest elevation of 534 but when you take all the eight points around the building it's not necessarily half of that; you have to add all those up then divide by eight and that gave us an average grade of 540.6. To that we took from the grade to the eave on one side from that average grade to the peak of the roof on the other side and figured out the average height from grade to the mid points of those roofs and the requirement is to be no more than 35 feet, we are 34 feet 10 inches. We have avoided the requirement of achieving a variance. Barring that you can see how the buildings actually function together. Now this is actually foreshortened. The space between these two buildings is actually greater than that but the intent is that the courtyard itself has a two-story appearance and, on either side, we have the garage, the lower level and then two additional stories above. There will be gables and other particulations on those elevations so it's going to be much more of an organic type of elevation. It's not going to be a linear wall. Of course, when you go back to the front elevation which is what you will see as you drive down Forester Avenue you will get the two story plus little vignette windows in the attic spaces and so forth which pick up on the character of a lot of the architecture elements that are existing within Warwick. So, the impression of the overall building is going to be maintained as two story with a lot of modulation on the perimeter.

Mayor Newhard: We have many people here. Thank you for coming out this evening and we would like to hear your input, your concerns and that's what public hearings are about. This is just the beginning of a much longer process. It's not our Board that makes any final determination on this project. We are determining that within the zone this is actually allowed with a special use permit, so the applicant has come to us for that. It's considered a multi-residential use of the property and allowed in this district. Again, this is the first step but before the first steps happen I just want to educate everyone here as to some of the things that have come before us or before this Board. Mr. Kennedy came to us, I don't know how long ago, maybe a year ago with his partner and said I'm very interested in this property. I've been speaking with Mechanical Rubber and there's a possibility of purchasing it and I have this idea of creating multi-housing rental units. We said, well there is a need for that. There is definitely a need in the Village and it's very difficult to find a rental in this Village. People love it so much that there's waiting lists everywhere. Mr. Kennedy went away and came to us initially with some drawings. The drawings were three stories, rather massive, kind of frontal type of buildings and I think that he felt that it wasn't the perfect thing because he saw that there was such a difference in the typography from one end of the property to another. He found an architecture firm

to work with and this is the result of that. Also, once he did have the preliminary plans, he did come before the Board and made a presentation to the Board and that was a few months ago and now Mr. Kennedy has been to the Planning Board. He has also brought this plan through the Architectural Review Board which is a very important Board in terms of the way we try to keep our community looking in terms of its historic nature and things that will fit into our neighborhoods as we would like. They took a lot of suggestions from the ARB in terms of shape and color and Warwick vernacular architecture and this is again part of that product. But looks are one thing and there are other things that involve growth and involve new development. That's why we're here tonight. As a Village Board we want to hear what you have to say. I would ask that for the record you state your name and tell us what's on your mind. Please try to keep it to five minutes. We would appreciate that. There's a lot of people who may want to talk this evening and we have our meeting with a large agenda. We will keep the public hearing open because part of a public hearing is not just coming up and saying words it's also writing them down. So, if you are shy, you surely can write to our Board. You can write to the Village Clerk and that will become part of the record. That's why often when we have a public hearing we keep it open until the next meeting so that there's an opportunity for somebody who might be watching the television or maybe in the audience who didn't have a chance to speak or thought of something after the fact. With that said I'd like to open it up to the floor if anybody would like to speak, please raise your hand.

Walter Parkinson: I'm with the American Legion Post. As you can see the development borders our property and because we had limited amount of parking space and driveway space from Mechanical Rubber which will no longer be available. The question is what are we going to be able to do to accommodate parking at our facility as a result of this? If the development can't come up with an accommodation plan can the Village come up with an accommodation plan, so we aren't basically stuck? If we can't rent the facility out and we are the cheapest rental in the Village for parties, weddings, this kind of thing... We get used a lot and the upstairs gets used and the Masons control a lot. If we can't do that we lose a significant amount of our income, pretty much all of it. That really hurts us. Will we have an opportunity to talk with the developer and determine what can be done and talk with the Village to determine what can be done with regards to our operations and the future of this development here?

Mayor Newhard: I believe yes. I don't want to speak for Mr. Kennedy but definitely we are always open to have that conversation, that dialog to try to figure out what we can do, how can this work for everyone.

Beau Kennedy: Absolutely, we'll set something up. We've already spoken about it. Next week or so we hope to get together and keep that conversation moving forward.

Mike O'Neil: I was just curious with all the extra traffic coming from this... everybody knows how much traffic is on Forester already which accesses to other places. What will that do to our home value right now? Wouldn't that hurt that a little bit?

Mayor Newhard: Mike, I don't want to answer every question, but I just wanted to say that this is just a special use permit. It has to go before the Planning Board and it has to go through environmental review, which surveys traffic as part of it. That would be on the Planning Board. It will shift from here... this is just a preliminary step and it goes to the Planning Board and really gets looked at under the microscope.

Tom Scott: A couple questions, how are you handling the truck traffic for Mechanical Rubber coming in and out through a complex where you have apartments? They come through a couple times a day, tractor trailers, UPS, etc. The other thing is is there enough parking there? You have garages but as many of you know you all have houses, how many times can you not get your car in the garage because of storage? I lived in an apartment for years with apartments. There were two separate units, 18 units in total, five were used, everything else was storage. They parked in the parking lots.

Michael Jardino: As the architect I can tell you they are open garages. They're not contained in any way. So, if you were to be foolish enough to put your things in your garage, they would be gone in the morning. I'm sure there will be a restriction prohibiting that.

Tom Scott: When you said garages, I assumed garage doors.

Michael Jardino: Open covered parking basically.

Laura Jardino: As far as the truck traffic I believe there had been a truck template that was utilized to deal with the circulation around the site to provide access both to the loading areas in the rear and also around the tip of our building there's an existing... There's some in the rear and there's that one in the front and we've allowed enough circulation that a truck can swing through.

Tom Scott: Where does it leave the complex?

Michael Jardino: The truck traffic is designed to enter at the south entrance and then swing around, it would actually back up to this loading dock and then swing out this way.

Nancy Reinauer: I have a question about traffic also. I live on Forester Avenue and access to St. Anthony Hospital is on the end of Forester Avenue and frequently that road is blocked. They can re-route ambulances but for individuals coming from New Jersey

and so on, that's going to be a busy area at the other end of Forester. My question is the increase in traffic are we thinking about that?

Mayor Newhard: Again, I just want to reiterate that will be what the Planning Board will do an analysis of or the applicant will do an analysis of that will be presented to the Planning Board and reviewed at that stage. It is an important question. I'm glad that you're here to ask that.

Bob Wache: I'm the lucky gentleman that owns the residential home right next to that property, I guess on the south side. Has there been any thought or discussion about fence or barrier between this complex and the property that I just purchased a few months ago? Any barrier along the back where the majority of the parking appears to be along the back line of that? Any discussion of fencing, wall or anything to separate this complex from my home?

Laura Jardino: We have a 20-foot setback between the parking and the property line and we anticipated there will be an amount of landscaping that would help obscure the parking at least and certainly over a period of years that will grow to obscure or at least provide a level of privacy between the respective residential buildings.

Mayor Newhard: Again, this can be brought to the Planning Board. We will give the Planning Board our public hearing information so it's good that you asked that question tonight.

Michael Jardino: We haven't developed a landscape plan yet, but we certainly will have one eventually and I think that's a good conversation to have with Mr. Kennedy as well.

Beau Kennedy: We understand that's a sensitive issue for properties surrounding this. Fencing is certainly on the table, whatever's allowed by the Village Code. We're trying to appease everybody.

Bob Wache: Along the south side are there going to be balconies?

Laura Jardino: We are not anticipating balconies on any of the buildings.

Bob Wache: The left side of my property will face all of that so if there's balconies and people are out there on the balcony playing music...

Laura Jardino: Our anticipation is that they'll be in the courtyard.

Jerry Schacher: What about the lighting in the evening? I remember when there was another complex that was built, and the lighting was very disturbing to the people around. How is the lighting going to be controlled here?

Laura Jardino: Our anticipation is that the Planning Board is going to have a significant amount of requirements for that but there are new lighting fixtures that can actually be shielded so that they only aim towards the parking and certainly for pedestrian safety.

John Richards: I live next to the complex. Your back lot will be my border of my property, just out of curiosity with the traffic going in, now is there going to be any 55 and older community you planned... with children I'm thinking, trucks are running in and out of that complex and you're going to have kids running around there? Is this a 55 and older community or are children permitted to live there? If you're going to have children, there and UPS and these other tractor trailers running in and out of that property that's a big safety concern. I was thinking about that because I've been in my house 33 years and the traffic has increased with Warwick Grove behind us and something like this, it's a safety concern.

Laura Jardino: Again, I'll reiterate that we do have that interior courtyard which is actually buffeted by the legs of the building. Anyone with young children will very likely utilize that space for walk arounds and so forth and of course they have the ability to use the sidewalk to get to any of the other public venues other than using the car. As with any street system you just have to either be cautious... Our anticipation is the parents... but no we did not anticipate...

Michael Jardino: I also think that it's typical for this kind of an apartment use, there are typically not many school age children. They're either young children or college age...

John Richards: You're looking at an upscale rental?

Michael Jardino: I'd characterize it that way.

John Richards: Will pets be allowed?

Beau Kennedy: We haven't gotten that far yet. We're dog friendly and cat friendly but I don't know if it's conducive to healthy apartment living. I don't know, we'll see, maybe certain apartments.

Nancy Reinauer: What size would the units be?

Laura Jardino: The one bedrooms are approximately 900 square feet. There's a one-bedroom den which would be roughly 100 square feet larger and then the two bedrooms

are in the 1,050 square foot range and the town houses are nearly 1,200 square feet. We still have some refinement, but these are the range.

Mayor Newhard: As I mentioned before this public hearing will remain open until our next meeting in two weeks. In the meantime, if you have any questions or any thoughts or any concerns please write to the Village Board attention the Village Clerk, either way it will get to us and then we will make a determination potentially at the next meeting. We'll close the public hearing and make a determination. Thank you for coming out this evening. Wait, wait, wait, now our next presentation... I just want to tell you guys, be warned, is a very important... I understand you have busy lives and you want to go home to your families or just to your television, I don't blame you, but the next presentation is by an engineer who we are in the fros of working on our wastewater treatment plant, very sexy, right? One of the most important pieces in our infrastructure. Our wastewater treatment plant is falling apart at this stage. It's over 50 years old, works every day 24/7, deals with what we deliver. I just want you guys to know that this is a very important thing that we as a community are going to have to be dealing with in the next four years. It's maybe going to hurt our pocketbooks a little bit but we're trying to find every which way to make it not, so tonight the engineer is giving a presentation to the Board because we're going to look at different ways... what's the best way if we're going to spend millions of dollars, what's the best way to do it and it's going to last us a long time and be the most effective. I just want to tell you guys, I have a full room. You're going to hear a lot more about it. We've been talking about it since budget but we're going to be talking a lot more about it as the year unfolds. The Village's intern at the Clerk's office and Mayor's office did a wonderful piece that's going to be on social media soon which will give you sort of the wastewater treatment plant 101. It's a very important issue, as you know. Many of you are old time Warwickians and have lived through the original wastewater treatment plant probably, but now it's come to close to its end. Thank you for coming this evening. If you want to stick around you're more than welcome. I don't have any treats or anything.

Presentation – Barton & Loguidice – Wastewater Treatment Plant

Karen Clark from Barton & Loguidice Engineering made a presentation on the Wastewater Treatment Plant. The full presentation is on file in the Village's Clerk's office for review.

Acceptance of Reports

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to accept the July 2018 Justice Report; and the March, April, May, June and July 2018 Building Report. Five Ayes.

Discussion

Trustee Patterson: Can we ask Mr. Rudzinski to be a little more timely with the reports?

Mayor Newhard: Absolutely, these all arrived at the same time.

Trustee McManus: They obviously can print out numbers, no handwritten numbers.

Trustee Cheney: We're in the process of a conversion to a new system.

Trustee McManus: Then put it in a spreadsheet that way the addition is correct. I'm not saying it's not correct but it's much more accurate by a spreadsheet than maybe the person using...

Approval of Minutes

A **MOTION** was made by Trustee McManus, seconded by Trustee Cheney and carried to accept the minutes of August 6, 2018. Five Ayes.

Approved and Audited Bills

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to pay all approved and audited bills in the amount of \$217,094.77. Five Ayes.

Police Report

Lt. Radar: Nothing to report at this time.

Mayor Newhard: Are you ready for Ladies' Night Out?

Lt. Radar: Yes. We're working with them. On their part they have the emergency planning they have to submit.

Correspondence

Mayor Newhard: Under correspondence this evening we have a letter from Village Engineer, David Getz, regarding the bid for the New Water Main Valve Project. We have a memo from Village DPW Clerk, Cathy Schweizer, regarding current office policy for receiving payments for the water meter and Tap In fees; and a summary from Village Recreation Director, Ron Introini re-capping the 2018 Village Recreation Program. A letter from the Village Building Inspector, Boris Rudzinski regarding an update on the

project at 2 Overlook Drive and a letter from Altice regarding renewal of the cable television franchise in the Village of Warwick.

Privilege of the Floor

There were no comments from the floor.

Motions

New Water Main Valve Project

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to accept the bid from Fred Devens Construction of Ringwood, NJ in the amount of \$112,460 for the New Water Main Valve Project as per the recommendation of the Village Engineer and authorize the Mayor to enter a contract. Five Ayes.

Chemical Bid – Slack Chemical

A **MOTION** was made by Trustee Cheney, seconded by Trustee McManus to accept the bid from Slack Chemical for the following: Sodium Hypochlorite \$1.99 Gallon (50-500 Gallons); PACL \$2.85 Gallon (400-1000 Gallons) as per the recommendation of the DPW Supervisor and Keith Herbert, Chief Operator JCO. Surpass Chemical Company, Inc. which was originally awarded the contract was unable to comply with delivery requirements – AMENDED

Discussion

Trustee Cheney: Do we need to do anything to void the contract with Surpass further than what I've stated in the motion?

Steve Gaba: Not in terms of resolutions. I thought that had all been worked out already.

Trustee Cheney: That's another contract. We've had a difficult time with the contractors that provided us with the low bid and were awarded the bid.

Steve Gaba: Then if I might I would recommend is reword this slightly and say motion to terminate the contract of Surpass Chemical Company, Inc. as it was unable to comply with delivery requirements and to accept the bid from Slack Chemical for the following.

Trustee Cheney: It was at their request. They gave us a letter.

Steve Gaba: I'm thinking of the prior one but it's pretty much the same situation.

Trustee Cheney: Well, no we had to terminate the contract and we had to send them a letter. This time Surpass sent us a letter that said we can't do this and we want out.

Steve Gaba: Let's just do it the way I phrased it.

A **MOTION** was made by Trustee Cheney, seconded by Trustee Patterson and carried to terminate the contract of Surpass Chemical Company, Inc. as it was unable to comply with delivery requirements and to accept the bid from Slack Chemical for the following: Sodium Hypochlorite \$1.99 Gallon (50-500 Gallons); PACL \$2.85 Gallon (400-1000 Gallons) as per the recommendation of the DPW Supervisor and Keith Herbert, Chief Operator JCO. Five Ayes.

Justice Court Assistance Program Grant

A **MOTION** was made by Trustee McManus, seconded by Trustee Patterson and carried to authorize Court Clerk, Karen Vermillion to submit an application for the Justice Court Assistance Program (JCAP) Grant for 2018-2019. The grant would give the court the opportunity to update the esthetics of the court room, as well as enhance productivity and safety for the justice staff. Five Ayes.

Discussion

Trustee Cheney: I guess you've been given a lot more information that what we've received relative to this and I was able to speak to Karen a little bit this morning relative to it. She has some ideas about what needs to be done; painting and replacing some of the chairs that I guess are used by the jury. I was somewhat reluctant to vote on it before I knew more about it but I don't know whether there's more that you can share with the Board... I prefer to see a list but again this is 100% from the court so whatever we get will do, if we don't get it we won't do it.

Trustee Patterson: Karen has historically done a great job of keeping us up to date using those grants.

Trustee Cheney: She's talking about lighting changes.

Mayor Newhard: Right now, there's just fluorescent fixtures on the entire ceiling. The ceiling was kind of stucco painted in the 70's and the paint job that was done about ten years ago is showing signs of wear and tear. I think those aesthetic pieces are good, but it also involves the door. There are two doors to her office. The second door was done, this would do the other door as well to create a much safer environment. Right now, the chairs that exist up there were the original chairs that the Village Board had before these chairs which we're now trying to replace.

Reports

Trustee Lindberg's Report: I have two things. Congratulations to Ron Introini and his entire staff. We had about 660 folks with the rec program. He always does a nice job. Thanks for that. Number two the Mayor and I had a meeting with the Youth Football Board of Directors last week and we talked about a number of things including one of my favorite topics speeding in the park. I must remind you that it's 15 miles per hour. Also, we talked about not everybody parking on the grass and taking advantage of the parking lot on the other side. They're going to help us with some signs to advertise that. They do a wonderful job, so thank you to the Board of the Youth Football organization.

Trustee Patterson's Report: I was just going to report about Ladies Night Out being this Thursday the 23rd and this year's Senior Picnic is Tuesday the 28th. All the elected officials are invited as we usually go and serve and help and the seniors are invited to attend. I am wondering about the handicapped spot and the letter that we got from Apple Valley Pharmacy. Is that going to move along?

Trustee Lindberg: Yes, the Mayor and I did a walk about with Milissa and decided to put it right in front of their building.

Trustee Patterson: That makes sense.

Trustee Lindberg: The other earlier option we had was put it on Spring Street, but we'll put it the first spot after their driveway.

Trustee Patterson: Perfect. Speaking of Spring Street have you looked closely at those...

Mayor Newhard: That was part of our walk about.

Trustee Patterson: But I mean they're weird. You could fit two more spots in there or at least one more spot.

Trustee Lindberg: You'll have a full report with all our recommendations. I think that one meter was taken out a while ago.

Trustee Cheney: Could we go back to the handicap parking spot a bit? What's the intent of that spot that we have too few spots or is that intended to support the pharmacy so that when somebody who has the handicap permit parks there, goes in and does their business and then comes out and leaves.

Trustee Patterson: In my conversations with the pharmacist she described it as there not being any on West Street. She does have her own lot where if there was an absolute need

for a handicap spot for people to get into the pharmacy we could say to her well you could put one in there, but my opinion is that we go with the logic of there isn't one on West, there isn't one for Halligans or the shops across the street. It's not reserved for Apple Valley Pharmacy.

Trustee Cheney: I know but we would we be considering a 30-minute limit on that instead of a two hour?

Trustee Patterson: Oh, interesting. No, I think it would be a two hour especially for the restaurants that are there.

Trustee McManus: You're also serving that end of Main Street.

Trustee Patterson: That's a good question but that's what I would suggest.

Mayor Newhard: If you have to get a haircut you might be in there for a couple hours because there's a long line at the barbershop.

Trustee Lindberg: We thought that that area needed one anyway; it initially was Spring Street. This just seems like a better one.

Mayor Newhard: This makes much more sense.

Trustee Patterson: Again, as George points out for that end of Main Street as well.

Mayor Newhard: I mean Fizzy Lifting is growing and there's a lot going on.

Trustee Patterson: So, the first one after the driveway because then it would allow space for the van; it has to be slightly larger spot?

Trustee McManus: The ramp is on the right side.

Mayor Newhard: Van parking spots are usually in parking lots that are wider.

Trustee McManus' Report: You didn't ask for anything from the Board on the comments from the public hearing, so I'd like to go back to that. Some way to open up the Forester / Kings Highway corner. It's a problem now. It always has been. If there's any way of making any improvements down there to open it... we sold the lot that we had. We talked about an exit and I believe that lot is now for sale so maybe we should re-buy that lot and build the road out.

Mayor Newhard: I thought the questions were great; of course, many of them were about the Planning Board portion.

Trustee Cheney: You've given us a letter relative to process conditions that we could impose... is there any guidance you can give us relative to the extent we can do that or can't do that?

Steve Gaba: The split between this Board and the Planning Board is basically you decide whether it can be built, and they decide how it will be built. If there was some issue which you felt would preclude allowing it at all regardless of how it was built that's something that you absolutely have to have then you could impose that as a condition on the special permit. For example: there's truck traffic going through. You can say you can designate one lane for traffic one way and one lane for traffic another way. You don't want to have two-way truck traffic on a road. You have neighbors nearby, and it's one of the considerations for granting a permit is visual impacts on the neighborhood. You can say you can get your special permit but a condition on that is going to be you will install landscaping and / or fencing to the satisfaction of the Planning Board to mitigate potential adverse impacts on these neighboring properties. You don't want to micro-manage it and be like a super Planning Board... link it to something important enough that it's got to be.

Trustee McManus: I'm not thinking that we are requiring Kennedy or Forester Avenue Apartments, whatever name you want to call it to make a new system up there but we as a Board need to come up with something to alleviate that corner.

Trustee Cheney: I understand. I was more looking at the immediate site impact on the neighbors like that was expressed tonight during the hearing... what's going to prevent lights from shining in my back window when somebody parks in that parking lot that's right behind my house. So, I think that's something we as a Board might want to consider as a condition of our special permit grant.

Trustee Patterson: I think that's all incorporated in the zoning document. We were so thorough in planning the landscaping requirements and the lighting issue. We should look at it because when Liberty Green was being built which I believe was before we completed the zoning document, right, there was an issue with lighting that was shining over onto Fairview and we took that into consideration when we were doing the zoning document and require that there be screens on the sides of the light. I think we did a really thorough job. I'm not saying not look, I agree we should look and make sure, but I also don't think that we can attach any special considerations for the special use permit that have anything to do with trucking because this apartment complex is not bringing the trucks in. The trucks have always been going in there. Unless it's construction vehicles which we're talking about but the trucks that are heading to Mechanical Rubber have always been heading to Mechanical Rubber.

Steve Gaba: I'm just saying if you have some on site traffic flow plan which you feel is important enough that you couldn't grant the special use permit without including it I think you'd be within your rights in doing that. I think it needs engineering before we run out and say this is what we want to see. You're going to have to talk with Lehman and Getz or whoever it is looking at it and say is this the proper thing to do or not.

Trustee Patterson: Again, I think it's something we need to make sure we're separating this special permit requirement with site plan approval...

Trustee Cheney: I'm not suggesting we want to micro-manage it. I just think that there might be some compelling reasons why we should consider some conditions.

Steven Gaba: I can tell you right now the lighting is something the Planning Board is going to require a lighting plan...

Trustee Cheney: We do require that you can't be casting light off the property. It's specifically in there.

Trustee Patterson: It probably was already in there, but we were reminded of it.

Steve Gaba: So, if you wanted to impose it as a condition you could but it really probably would be superfluous. It's going to be looked at. It's going to be taken care of.

Mayor Newhard: Going back to George's comment I think that that's a really important piece and I agree we should look at that property again and see if it is feasible because I think that would be the long-term solution.

Trustee Patterson: To what? Extend Church Street?

Mayor Newhard: Yes, and head out to Kings Highway from there.

Trustee Cheney: Is that dedicated all the way to that property. Is Church Street Extension dedicated all the way to that property?

Trustee Patterson: Church Street Extension ends at the gate to the former Georgia Pacific building. Is there space there for that property?

Mayor Newhard: I believe that there was a potential for an emergency exit for the fire department.

Trustee McManus: That's what we said when we talked about it. We said it would be a bypass that would be used for emergency vehicles. If you want to make a right hand turn

you can sit there for 20 minutes if there's enough vehicles in front of you who want to go left. Again, when you have school buses making a right they're going into the far lane, so you have to get people on Kings Highway to stop.

Mayor Newhard: The public hearing obviously is left open and if there are comments that the Board would like to make please write them down or email them to us, so we can put them together in a fashion that makes sense.

Executive Session

A **MOTION** was made by Trustee Patterson, seconded by Trustee McManus and carried to seek the confidential advice of counsel. Five Ayes.

A **MOTION** was made by Trustee McManus, seconded by Trustee Lindberg and carried to return to the regular meeting. Five Ayes.

Adjournment

A **MOTION** was made by Trustee Lindberg, seconded by Trustee Cheney and carried to adjourn the meeting at approximately 9:30 p.m.

Barbara Ranieri
Deputy Clerk