

Present: Anderson, Martinelly, Canonico, Murphy, Daly, Schwartz, Ventre,
Schuster
Kennedy (attorney)
Cranmer (Engineer)
Absent : Fisher

Vice Chairman Anderson called the meeting to order @ 7:30 pm

Salute to the flag, roll call, open public statement read

Ms. Judith Martinelly sworn in as Regular Member

Minutes:

A motion was made by Ms. Canonico, seconded by Mr. Schuster to approve & adopt the minutes of the August 5, 2015 meeting minutes as submitted. All approved.

Correspondence: none

PB Rep Report: no report

New Business:

M/M H Fishbein:

70 Elm Lane
Bl: Lot:

carry to 11/4/2015

Mr. Murphy arrived at 7:43 pm

M/M Paul Wilcox:

133 Samara Dr
Bl: 4, Lot: 17

Bulk variances
f/y set back & building coverage
addition in front yard & cabana

Mr. Kennedy advised that he has reviewed the service and finds it to be adequate and the board has jurisdiction to hear this matter.

Mr. David Cranmer Zoning Officer was sworn.

Mr. Martin McGann, Esq represented the applicant.

Mr. McGann advised that the applicants M/M Wilcox are seeking permission to expand their existing home which creates a front yard setback variance by enlarging the front porch and a building coverage variance of 1.5%.

Mr. Paul Wilcox, 133 Samara Drive was sworn.

Mr. McGann reviewed his testimony for the benefit of Mr. Murphy who arrived late.

Mr. Wilcox purchased the property in 2008, and they purchased the home for the size of property and not for the house itself. The house itself needs closet space, the front porch is not sufficient enough to hold a chair. Because the house was built right on the set back line, they must expand into the front yard setback area of approximately 4' for the porch addition. The kitchen is the major portion of the renovation, and a 4th bedroom for out of state family. There is currently a large screened porch to the rear of the home, and the lot is close to a 50,000 sq. ft. lot. The rear yard setback is 300+' which backs up to a railroad right of way. They are planning to construct an in-ground pool, cabana and patio area. They do not have any neighbors to the rear of the property due to the railroad

Mr. Kennedy marked the following into evidence:

A-1: Application dated 9/21/2015

A-2: Zoning Denial dated 8/20/2015

A-3: Survey dated 10/17/2008

A-4: SOME rendering,

A-5: SOME Architect drawing, revised 7/31/2015 5 pages

Mr. McGann presented to 2 photos of the existing porch taken on 10/4/2015, showing that it resembles a walkway vs a porch area.

Mr. Kennedy marked the following into evidence:

A-6: 2 photos taken on 10/4/2015 by Mr. McGann - depicting the existing narrow porch

Mr. Wilcox testified that they do like a ranch style and will not be expanding to a 2nd floor addition. He explained that the lot is very flat and there are no storm water issues.

Mr. Anderson asked if the front porch expansion is 3 ½' which creates a lot coverage variance. They are permitted 10% currently there is 7% coverage and 11 ½% is proposed. Mr. Cranmer said that is correct.

A motion was made by Mr. Schuster, seconded by Ms. Canonico to open the meeting to the public. All approved.

There were no questions/comments

A motion was made by Mr. Schultz, seconded by Mr. Schuster to close the meeting to the public. All approved.

Ms. Canonico asked if the pool or cabana already exist? Mr. McGann said no.

Mr. Michael Simpson, SOME Architects, Red Bank NJ was sworn and accepted as an expert witness as a Planner/Architect

Mr. Simpson testified that he is familiar with the property and Zoning Ordinances. This ranch home is very common for the neighborhood, there are 28 homes from Samara Dr to Sycamore and there 16 ranch homes on Spruce Dr to Sycamore. The Wilcox property did have a prior approval on the site for the addition of the garage, which created a side yard variance. The swimming pool/cabana is also common in this neighborhood and they tried to keep it them within the lot and building coverages. The front porch is really a 3' walkway with a roof over it, 1' from the front yard setback. The surrounding properties have more landscaping than they do, which makes a nice buffer between the house and public properties. The applicant's property is at the end of Obre Place and the new porch would give the homeowners the opportunity to have a little bit more presence at the end of street.

Mr. Simpson said that they have a screen porch and deck off the back of the house which is much larger than they need, so they have reduced the area of open deck space.

Mr. Kennedy marked the following:

A-7: Existing floor plan – SOME 3/31/2015 - Mr. Simpson described.

A-8: SOME Architectural Illustration Sheet A-100

A-9: Colored Elevation (4) prepared by SOME dated 10/7/2015 - described

A-10: Photos of neighborhood homes 10/6/2015 & 3/31/2015 taken by Mr. Simpson – described

Mr. Simpson stated that there is a 10' right of way which is not included in the setback back line, but visually you are an additional 10' back, which would be 56' from the curbline.

Mr. Simpson explained that there will be functionality, esthetic improvements to the home, and the lot is over 50,000 sq. ft. to still have air, light and open space with the house. He also feels that there will be no detriment to the public good, Zone Plan or Master Plan, and will be in conformance with the character of the neighborhood, and the deviations as requested are minor in nature and not substantial.

A motion was made by Ms. Canonico, seconded by Mr. Schuster to open the meeting to the public. All approved.

No questions/no comments

A motion was made by Ms. Canonico, seconded by Mr. Daly to close the meeting to the public. All approved.

A motion was made by Mr. Murphy, seconded by Ms. Martinelly to approve the application of M/M P Wilson for building coverage & front yard setback as requested for 133 Samara Drive.

Roll Call:

Affirmative: Anderson, Martinelly, Canonico, Murphy, Daly, Schwartz, Ventre,
Schuster

Negative: None

Resolution: 11/4/2015.....

Mr. Schwartz stepped down from the board table for the next application.

New York SMSA Limited Partnership

d/b/a *Verizon Wireless*

595 Shrewsbury Ave

Bl: 3, Lot: 7

Completeness Only

3 – node cellular antennas

Mr. Kennedy announced that this hearing is for Completeness Only – no notice has been served.

Mr. Cranmer referred to his engineering report dated 9/29/2015 which identifies the submission waivers that are required on the Checklist required documents which the applicant is seeking waivers.

A.8 & A.9: No notice or Proof of service will supplied when the application is published

B.5: Key Map

B.12: Plans to scale

B.25: List of design waiver or exception

D.10: Environmental Impact Report - submission of waiver required – information if deemed necessary from the board could be requested at a later time

Mr. Cranmer stated that the application is to install 3 antennas on the roof of the building, and small equipment cabinets.

Mr. Schkolnick, Esq represents the applicant and he advised that he has submitted plans revisions tonight and their fees.

Mr. Cranmer stated that it is not unreasonable to grant the submission waivers, and if there are any questions on the antennas or radio waves these questions could be answered by the applicant during the public hearing with additional evidence submitted. If the board feels that an Environmental Impact Report is needed the board can direct them to provide one and not adjudicate the application until they do so. Mr. Anderson asked how high the antennas are. Mr. Schkolnick advised approximately 3’.

A motion was made by Ms. Canonico, seconded by Mr. Ventre to deem the application **complete**, granting the request for the submission waivers, with the condition that if more information is needed the applicant will provide.

Roll Call:

Affirmative: Anderson, Martinelly, Canonico, Murphy, Daly, Ventre, Schuster

Negative: None.

Mr. Cranmer advised that the applicant can notice for the November 4, 2015.....

Mr. Schwartz returned to the board table....

Shore Investment Realty, LLC c/o Sudler:

Completeness Only

d/b/a Quickcheck

575 Shrewsbury Ave

Bl: 4, Lot: 5

Mr. Kennedy announced that the applicant is seeking a completeness only and request for waivers. If the waivers are granted and during the public hearing the board wants additional information, the information must be provided before the application is adjudicated.

Mr. Robert Shea, Esq represented the applicant. Advised that they have reviewed Cranmer Review letter dated 9/29/2015:

A.4, A.8, A.9, A.11: will be provided by applicant

B.25, B.29 C.3: will be provided by applicant

D4: Waiver requested for Fiscal Impact Statement

D.10: Waiver requested for Environmental Impact Report - testimony will be provided at the time of public hearing. He will provide Phase I reports to Mr. Cranmer if the board requests.

Mr. Cranmer stated that the board should consider submission waivers for all 9 submission waivers. The applicants engineer will be supplying information. He will perform an initial review of the documents, so if there are substantial changes they will not have to re-profile their design. He would recommend that the board consider the 9 submission waivers listed in his September 29, 2015 report, and deem the application administratively complete.

A motion was made by Ms. Canonico, seconded by Mr. Schwartz to grant the submission waivers for Shore Investment Realty as requested and deem the application **complete**.

Roll Call:

Affirmative: Anderson, Martinelly, Canonico, Murphy, Daly, Schwartz, Ventre

Negative: None.

Ms. Martinelly left board table noticed
Mr. Murphy left board table noticed

Break 8:13 pm to 8:20 pm. All present at roll call.

KSCG Realty LLC:
d/b/a Shadowbrook LLC

Continuation of Public Hearing

Bl: Lot:

Mr. Anderson explained the process of the hearing to the public.

Mr. David Cranmer, Engineer was sworn.

Mr. Kennedy marked the following into evidence:

B-1: Mr. Daly certification of listening to CD meeting 9/30/2015

B-2: Ms. Canonico certification of listening to CD meeting 9/30/2015

Mr. Daly or Ms. Canonico have no conflicts with the professionals represented in this application. Ms. Canonico did advise that she is on the First Aid Squad with Ms. Blair who is represented by Mr. Byrnes and she can impartially reviewing the application. No conflicts from Mr. McKenna or Mr. Byrnes.

William M Moore, Licensed Landscaped Architect with Cipriano Landscape Design for 11 years, he gave his educational & professional background and was accepted as an expert witness.

Mr. Moore testified that he prepared the original plan and presented the following exhibits:

A-16: Colored rendering landscaping prepared by Mr. Moore – revised 9/29/2015 landscaping to be saved to a minimum of the first 35’ within the property lines, the residents comments were taken into consideration a lot of the existing vegetation will be saved, and the new 10-12’ arborvitae will be 35’ from the property line. Larger trees will be planted in the parking lots to help with some environmental issues. These areas will be cleaned up and pruned and vines will be removed in the buffers.

A-17: Rendering for board

A-18: Illustrated Landscape Plan sheet 2 of 3 northern portion of site, revised 9/29/15

Mr. Moore described each exhibit – see Transcript for description.

Mr. Moore described the Loading Area on the western property line. There will be landscaping in the “cocktail area” or outdoor terrace adjacent to the loading ramp/area service drive immediately to the west. Mr. Moore described what will be installed. See transcript for description as to what will be added to the existing vegetation 972 various types of trees to the project in addition to the ornamental shrubs, grasses, perennials and annuals with approximately 200 trees to be removed all with the approval of the Shade Tree Commission.

Mr. Anderson asked what is the distance from the arborvitae and the loading dock area?
Mr. Moore said that the planting bed is approximately 22' from the pavement to the edge of the property line, which is the narrowest point.

Mr. Cranmer referred to the refuse and recycling area which is one of the areas that has caused concern, will the plantings that are proposed will they provide any noise attenuation between the recycling area and the properties to the south of the site?
Mr. Moore said yes, and the raised berm in the area will also provide noise attenuation to reflect some of the noise in this space. Mr. Cranmer asked if they could add additional plantings south of the recycling area? Mr. Moore said yes they would do that.
Mr. Moore said that they did walk the site with the Shade Tree Commission to get a general idea of what is out on the site and characteristics of the site.

Mr. Ventre asked how high is the retaining wall on the western side of the property?
Mr. Moore said that it is 4'+ and the berm is 2-3' above the wall.

A motion was made by Ms. Canonico, seconded by Mr. Daly to open the meeting to the public. All approved.

Mr. Bill Gerth, Chairman Shade Tree Commission was sworn. He testified that he has met with the applicant on site and the results of the meeting has been successful.
Mr. Gerth asked questions about long term plan to control the deer, the new species that have been added to the new plan, and the long term of the climbing vines that are notorious for Shrewsbury. Mr. Gerth asked what are their plans for the Obre Place entrance drive? Mr. Moore gave the details of what they are planning for new planting and screening. Mr. Anderson asked if the applicant has met all of the concerns of the Shade Tree Commission that have not been addressed by the applicant. Mr. Gerth said that all of their concerns have been addressed, especially at the loading dock area, he still has concerns with the maintenance of the buffer areas. Mr. McKenna advised that the applicant will work with the Shade Tree Commission.
See Transcript for Mr. Moore's explanation.

Mr. Shawn Byrnes, represents Ms. Georgia Blair, he asked questions with regard to the proposed 970+ trees to be added to the site, and referred to Landscaping Plan.
Mr. Byrnes asked if he has looked through the properties of Spruce Dr to the Shadowbrook and see the side of the building? Mr. Moore said yes, and referred to A-17, the planting around the parking lot will be planted @ 10-12' high and will break the view of the parking lot. The loading area will have plantings of 17' in height and depending on the view angle you may or may see the building. Mr. Byrnes asked questions with regards to the lighting vs the tree height and other questions with regard to lighting.
See Transcript for further testimony.

Mr. Jim Halpern, Meadow Drive was sworn. Mr. Halpern asked questions with regard to lighting vs the proposed trees. He feels that the trees should be planted within their property line. He if any of the proposed 200 trees which are to be taken down will be taken off the northern portion of the property. Mr. Moore said no, they will just be maintained. He stated that the trees in the buffer are primarily all deciduous trees and they will lose their leaves, except for the evergreens. Mr. Halpern asked if the installed height will be 16' and in 5 years they will 20' in height, and the lights will be over 20'.

Mr. Sean Smyth, 175 Spruce Drive was sworn. Mr. Smyth asked questions to the retaining wall on the west. Mr. Moore explained that it will be a 4' masonry retaining wall. Mr. Smyth said that the existing crown of his property and the existing receiving area is about 5 ½' difference, and with the retaining wall and arborvitae is still at a lower level, and he is concerned with the drainage, and he would like to know where the water will drain to with the wall and berm at the property line. Mr. Moore explained that the 4' retaining wall, the berm and then the plantings, the drainage will be designed to not to create any problems for any off site properties.

Ms. Dina Smyth, 175 Spruce Drive was sworn. Ms. Smyth asked Mr. Moore to explain what a "berm" is. Ms. Smyth referred to A-18 and asked. questions with regard to the existing fence shown. Mr. Moore explained that it is an existing fence on a neighbor's property. Ms. Smyth asked how wide is the planting buffer on the west? Mr. Moore said at the narrowest point it is 22' from the property line to the edge of the pavement. The mature trees need to be removed for the installation of the berm and they have tall canopies, but they do not have any lateral buffers. Ms. Smyth stated her concerns with the loading zone and extending the blockage from her home. Mr. Anderson asked if the area where the proposed addition is going does that currently impact your quality of life, is there light shining through? Mr. Smyth said that the problem is the activity that is done, employees, bottles being thrown over the fence, which is now further away from the property line. Mr. Smyth feels that and his neighbor are the most affected by this addition. Ms. Smyth feels that there hasn't been much activity from the Shadowbrook and she does have issues with the Traffic Report that was given last month. See Transcript for details.

Mr. Dave Graminski, 185 Spruce Drive was sworn. Mr. Graminski asked questions with regard to the proposed berm and retaining wall, and where it will run along his property line. Mr. Moore described what will be planted in addition to the 4-5' arborvitae, he explained that they will be planting "layers" to give diversity as well as a screen. Mr. Graminski asked if the plantings would screen headlights. Mr. Moore said yes. See Transcript for further details.

Mr. David Dragonetti, 73 Obre Place, was sworn, member of the Environmental Commission, he asked questions with regard to what trees will be taken down, and does that involve the "tree of heaven", and are the 200+ trees are they being taken down for the parking lots? Mr. Moore said yes, and some are dead and some have not been maintained and they are located in the buffer and along the edge of the existing vegetation areas. Mr. Dragonetti asked if any trees will be taken down on the north side? Mr. Moore explained where the trees will be taken down. See Transcript for details.

Ms. Canonico asked if any of the trees along the drive way will be removed? Mr. Moore said that some will be taken down, especially the ones that have not been cared for.

A motion was made by Ms. Canonico, seconded by Mr. Schuster to close the meeting to the public. All approved.

Mr. McKenna gave an activity report given to him by Mr. Kourgelis, he gave the proposed activity for 2015 of 231 events which will be approximately the same as Zweben booked of 240 in 2014. Mr. Kourgelis said that he will not be open to the public.

A motion was made by Ms. Canonico, seconded by Mr. Daly to open the meeting to the public. All approved.

Mary Russell, 26 Alameda Ct was sworn, she asked questions with regard to the music from the Shadowbrook and how if they are going to change the type of music that she heard all summer. Mr. Kourgelis said that the new cocktail room will only be used for cocktail hour and will have piped in music, no live music. Live music would only be for inside at the reception.

A motion was made by Ms. Canonico, seconded by Mr. Schuster to close the meeting to the public. All approved.

Mr. James Kennedy, PE, Kennedy Consulting, was sworn and accepted as an expert witness in engineering.

Mr. Kennedy stated that the site plan he prepared has been marked as A-4 and the storm water management plan has been marked as A-8. Mr. Kennedy described the site and passed out a handout to board members, and the aerial photos were marked as A-14.

Mr. Kennedy referred to the 17.33 acres located in the R-2 zone including Meadow Dr & Maple Road, which at this time Mr. Kourgelis is willing to give the 2 private roads to the Borough. This would allow each of the homeowners not to appear for planning variances for a home that does not front a public street. He feels this would be a public benefit, not only to the homeowners but to the Borough at large, because it would provide for emergency services and provides for standard maintenance of the roadways.

Mr. Kennedy described the “T” turn around which was required at the time of subdivision, and as part of this application this area will be resurfaced with stone to restore it for the emergency accessibility. There will not be an expansion of the roadway and no intent in bringing the driveway into the site, only to reestablish the emergency access/turnaround which is poor safe. Described the residential streets along the perimeter of the property in question. See Transcript for Mr. Cranmer’s explanation of the subdivision requirements of the “private roads” and the maintenance. Mr. McKenna explained that they have approached Mayor & Council and they have indicated that they do want the roads, they feel that this would be an advantage to the homeowners who live on these streets.

Mr. Kennedy marked the following into evidence:

A-19: Original submission: Illustrated Site Plan, 8/27/2015 – Mr. Kennedy (engineer) described the exhibit and an 11 x 17 handout given to board members

Mr. Kennedy (engineer) referred to A-15 revised site plan rendering – 9/30/2015 11 x 17 handout given to board members, and he described the physical improvements to the site, and 214 parking spaces on the west and 109 parking spaces on the east for a total of 323 parking spaces, which is a reduction from the initial proposal from 488 parking spaces from the original 33,100 sq. ft. addition. Currently the gross floor area is 43,270 sq. ft. for 323 parking stalls. Berms and plantings were increased which will reduce the noise at the loading area and storing the garbage and recycling in the basement will help the noise attenuation. See Transcript for further detail on noise & light reduction.

Mr. Kennedy described the new lights that will be used as 2 wall packs which are forward throw mounted at 16’ high l.e.d. energy efficient fixtures. Wall packs are shielded with an l.e.d. array they are a better control light.

A-20 marked into evidence: Mr. Kennedy described the photo that was taken showing the light that is given off by a high pressure sodium lights that are mounted and shine directly toward the back of the homes on Spruce Drive. Taken by Mr. Kennedy 1 month ago. Mr. Kennedy stated that the new lighting is for safety and will not a nuisance to the neighbors.

Mr. Kennedy described where the buses would be parking on site and how they would circulate on site. Mr. Kennedy advised that Mr. Moore will be addressing the maintenance of the buffers, the trees that were taken down, trees that were damaged by storms, damaged fencing along the property lines. Mr. Kennedy said that all of the concerns for safety, security, lighting, and noise will all be addressed by Mr. Kourgelis.

Mr. Kennedy addressed the Storm Water Management and the Category 1 Waterway located to the north of the property shown on A-14 & A-15. An L.O.I. (Letter of Interpretation) was issued and they are not doing anything in the wetlands nor are they asking for a buffer waiver or an outfall. They will be using a porous paver for the parking areas, and these pavers have been used in Shrewsbury. A second conventional system with perforated recharge piping within the porous pavement parking lots for snow removal See Transcript for details of the recharge system and the improvements to run off and environmental benefits and he explained that the application to the Freehold Soil Conservation District will review and certify the plans since they are disturbing more than 5,000 sq. ft. and they are waiting for the approval.

Mr. Kennedy gave details on the proposed lighting plan that he has designed to minimize adverse impact to the neighbors. Currently there are 3 flood lights shining to the rear of Spruce Drive (A-20) which measured at 4.1 foot candles, they are proposing a maximum foot candle of 3.8, where the average is .7 throughout the paved areas of the parking lot, where .5 is the minimum amount of illumination for safety. Mr. Kennedy stated that he measured the lighting at the school, The Grove, Five Guys, Bagel Masters, and Bil A Bong, see Transcript for details of the illumination results. The goal is to provide safe illumination level and we get the light out of the neighbor's back yards by mounting a light high enough to provide uniform illumination, keep the light out of their line of sight and to minimize the points of glare, by providing the minimum necessary light fixtures, you minimize the points of glare i.e. spot lights, light from "can" lighting. By using a 90 degree fixture, one that is parallel with the ground and has a forward through element meaning that the light is pushed forward using the l.e.d. array. This is the best known way, right now, of providing safe illumination that is not a nuisance to neighbors. By minimizing the height of the light i.e. with a 20' high light they would have to add 7 more light fixtures, 7 more points of glare, and they would be in the neighbors 2nd story line of sight instead of putting it above the 2nd story line of sight with a 26' high light. We are speaking of 6 fixtures @ 26' height with a 70 watt l.e.d. array, 2 – 16' height mounted wall packs at the loading area. All of the existing lights shine out and not down, which causes nuisance glow or light trespass. He feels that what is being proposed is the best way of providing safe lighting that is not a nuisance to the neighbors, which is his professional opinion.

Mr. Kennedy testified that if the applicant plants 26' high arborvitae they will die. The light fixture will not face the neighbor, it will have a forward throw optic, and you are not looking at the lighting source. Referred to A-15 indicating that there are 3 light fixtures most proximate to the neighbors on Spruce facing away from the neighbors. There are 3 lights that will light the remainder of the parking lot with a 90 degree with forward throw. On the east parking lot there will be 2 fixtures, on the Queen Ann side with 1 light in the middle of the lot.

Mr. Kennedy testified that he can lower the lights, but it will cost hot spots and dropping the fixture into a line of sight, and provide 7 more opportunities of glare to the neighbors. He doesn't feel that is the way to do. Mr. Anderson asked if he lower the height of the poles he would have to increase the number of lights? Mr. Kennedy said yes, and they have modeled it, and it added 7 more fixtures.

Mr. Kennedy testified to the lights along the street and they would like to keep the existing lights and style, these lights are mounted at 12' in height with a 55 watt l.e.d. A vendor has matched the fixtures with l.e.d. lighting heads.

Mr. Anderson asked if the lights that will be mounted on the building will be @ 16'? Mr. Kennedy said yes, and 3 fixtures on the east parking lot, and no lighting changes are proposed for the rear in the garden area. Mr. Kennedy testified that his plan will have a light trespass less than what exists today.

Mr. Cranmer referred to his review letter and he has met with Mr. Kennedy, and they will work together, he has undertaken almost all the issues in his letter, and will continue to work with Mr. Cranmer.

Mr. Kennedy advised that the proposed generator is 1,000 kW, enclosed in a noise reducing shelter with a wind wall which will protect the neighbors from the noise.

Mr. Kennedy reviewed the loading area, with other options and the reasons why they would work. Deliveries will only be made when his staff is on site, garbage will be determined by the owners, and recycling will be done in the basement and dumped during the day time hours only. Deliveries between 10:00 am and 2:00 pm and garbage between 9:00am and 11:00 am, 3 times a week.
See Transcript for details.

A motion was made by Ms. Canonico, seconded by Mr. Daly to open the meeting to the public. All approved.

Ms. Cheryl Peterson, 195 Spruce Drive remained under oath. Ms. Peterson asked questions with regard to the swale and the berm. Mr. Kennedy explained how the shallow swale on the applicant's property to accept the run off from the neighbors and convey the water to the north. Ms. Peterson asked if the swale would create a mosquito issue, Mr. Kennedy said no. Mr. Kennedy referred to A-16 and the required decorative wall because the wall exceeds 30" in height, the fence is at the top of the wall for fall protection. See Transcript for further explanation and the direction that the water will take

Ms. Peterson asked what is the distance that the trucks go in reverse vs the proposed distance? Mr. Kennedy said that currently the trucks go 150' on a radius and enters the loading dock, but you have to minus out the length of the truck so it is not 150'. Ms. Peterson asked if they will be maintaining the required 50' buffer? Mr. Kennedy said no the area adjacent to the loading area will be 22' for planting area, but the building set back will be 50'. This area will require a variance. Ms. Peterson asked if the size of the addition is affecting the area? Mr. Kennedy said no it the shape of the building. Mr. Kennedy said that they could move the same square footage and move north or even south but architecturally this shape was in harmony with the existing structure. See Transcript for further details.

Mr. Jim Halper, 37 Meadow Drive, asked questions with regard to the lighting. He disagrees with Mr. Kennedy as to the way he is looking at the lighting. They are creating additional sources of light, the higher you put them more light is reflected off the trees. If they put the lights at 26' you have to get the optimum light you have to use a higher lumen bulb in order to get the same lighting at a 12' level.

Mr. Kennedy answered Mr. Halpern's question, they are using a 70 watt l.e.d. array with a 26' mount, the next step down would be a 55 watt l.e.d. It is a different design when using l.e.d. vs high pressure sodium lights. If they were using the high pressure sodium they would have to go to a higher lumen value in order to get a minimum light to spread out through the parking lot. They are only looking for .7 average foot candles in the parking lot, and reduced the height to 20' they would still have the same 70 watt l.e.d. array – 7 more fixtures at .7 minimum but the maximum goes to 3.9. If they cut 6' off the pole they have to keep the same wattage array to basically affect the same average and a higher maximum to reflect the higher points underneath the light which would add 7 additional fixtures. Mr. Halpern asked if there is an alternative that would allow the applicant and neighbors to co-exist without the glow lights, since this is a commercial establishment in a residential zone. Mr. Kennedy said that this commercial establishment preexisted the residential structures. Mr. Kennedy doesn't feel that Mr. Halpern wants what he is asking for. A residential fixture is an opened sided coach lamp, a Home Depot style light fixture where light comes out on all sides. The proposed lights are dark sky friendly and they are certified that no light is projected above a 90 degree plane of from this lamp. This is not the responsible way to light the parking lot, Mr. Kennedy disagrees that .7 foot candles will not create sky glow. See Transcript for details.

Mr. McKenna suggested that they carry the application from this point.

Mr. Kennedy announced that this matter will be carried to the **November 4, 2015 @ 7:30 pm without further notice.**

A motion was made by Mr. Anderson, seconded by Ms. Canonico to adjourn the meeting at 11:25 pm. All approved.