

TOWN OF NEWTON
PLANNING BOARD
JANUARY 18, 2017
MINUTES

The regular meeting of the Newton Planning Board took place on the above date. Vice Chairman Marion read the Open Public Meetings Act and requested Mrs. Citterbart to call the roll. Board Secretary Mrs. Citterbart stated there was a quorum.

SALUTE TO THE FLAG: Was recited.

Mr. Marion stated: We received Mr. Kent Hardmeyer's resignation letter. After years of dedicated service, he is resigning from the Planning Board. We will be sending him a thank you letter recognizing his years of service on the Planning Board and the Zoning Board of Adjustment.

OATH OF OFFICE:

Neil Flaherty – Regular Member

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Ricciardo, Mrs. Diglio, Mr. Levante, Mr. Butterfield, Mr. Majewski, Mr. Marion,

Excused: Mr. Russo, Mr. Le Frois

Absent: Ms. Larsen

Professionals present: David H. Soloway, Esq. of Vogel, Chait, Collin & Schneider

THE SUNSHINE STATEMENT: Was read.

2017 ELECTION AND APPOINTMENTS:

ELECTION OF CHAIRMAN: A motion to nominate and appoint Greg Le Frois to the position of Chairman was made by Mr. Flaherty and seconded by Mr. Levante. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

ELECTION OF VICE CHAIRMAN: A motion to nominate and appoint Gary Marion to the position of Vice Chairman was made by Mr. Ricciardo and seconded by Mr. Flaherty. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

ELECTION OF SECRETARY: A motion to nominate and appoint Katherine Citterbart to the position of Board Secretary was made by Mr. Marion and seconded by Mrs. Diglio. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

APPOINTMENT OF BOARD ATTORNEY: A motion to appoint David Soloway, Esq., of Vogel, Chait, Collins & Schneider to the position of Board Attorney was made by Mr. Ricciardo and seconded by Mrs. Diglio. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

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APPOINTMENT OF CONFLICT ATTORNEY: A motion to appoint M. Richard Valenti, Esq., of the firm Morris, Downing & Sherrard to the position of Conflict Attorney was made by Mr. Marion and seconded by Mr. Levante. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

APPOINTMENT OF BOARD ENGINEER: A motion to appoint David Simmons of the firm Harold Pellow & Associates to the position of Board Engineer was made by Mr. Ricciardo and seconded by Mrs. Diglio. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

APPOINTMENT OF CONFLICT ENGINEER: A motion to appoint Paul Ferriero of the firm Paul Ferriero Engineering to the position of Conflict Engineer was made by Mr. Marion and seconded by Mrs. Diglio. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

APPOINTMENT OF PLANNING BOARD PLANNER: A motion to appoint Jessica Caldwell of J. Caldwell Associates to the position of Board Planner was made by Mr. Ricciardo and seconded by Mr. Flaherty. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

NEWSPAPERS OF RECORD FOR 2017: A motion to appoint the New Jersey Herald and the Sunday Herald as the official Newspapers of Record was made by Mr. Marion and seconded by Mr. Ricciardo. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

2017 TECHNICAL REVIEW COMMITTEE APPOINTMENTS: A motion to appoint Mr. Le Frois, Board Chairman and Mr. Russo to the TRC was made by Mr. Flaherty and seconded by Mr. Ricciardo. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

A motion to appoint Mr. Ricciardo as Alternate to the TRC committee was made by Mr. Marion and seconded by Mr. Levante. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

In compliance with the Open Public Meetings Act, the following is a list of the monthly meetings of the Town of Newton Planning Board. The Board will meet at 7:00 PM on the third Wednesday of every month. The meetings will be held at the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ 07860.

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January 18, 2017

February 15, 2017

March 15, 2017

April 19, 2017

May 17, 2017

June 21, 2017

July 19, 2017

August 16, 2017

September 20, 2017

October 18, 2017

December 20, 2017

January 17, 2018

No meeting in November due to the League of Municipalities Convention.

A motion was made by Mr. Ricciardo and seconded by Mr. Flaherty to approve the meeting dates for 2017. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Ricciardo – yes; Mrs. Diglio – yes; Mr. Levante – yes; Mr. Butterfield – yes; Mr. Majewski – yes; Mr. Marion – yes. The motion carried.

CONSIDERATION OF MINUTES

December 21, 2016

A motion was made by Mrs. Diglio and seconded by Mr. Ricciardo to approve the December 21, 2016 meeting minutes.

AYE: Mr. Flaherty, Mr. Ricciardo, Mrs. Diglio, Mr. Levante, Mr. Butterfield, Mr. Majewski, Mr. Marion

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

Martorana Enterprises, LLC (#PBASP-12-2016)
Block 22.05, Lot 13.01 & 13.02
104 Sparta Ave.

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Resolution granting amended final site plan approval.

Mr. Ricciardo made a motion to accept the resolution. The motion was seconded by Mrs. Diglio.

AYE: Mr. Flaherty, Mr. Ricciardo, Mrs. Diglio, Mr. Levante, Mr. Butterfield, Mr. Majewski, Mr. Marion

The motion was carried. Resolution approved.

2017 Zoning Summary

Mr. Soloway stated: Mr. Russo suggested at the TRC meeting that, since the letter that contains the zoning summary also contains some recommendations for ordinance issues that the Council may want to look at. We should carry it to the February 15, 2017 meeting.

EXTENSION OF TIME

Robert Occhifinto (#PSPV-05-2012)
Block 20.02, Lot 1,
42 Hicks Avenue

The applicant is requesting an extension of time to extend the preliminary site plan approved on October 17, 2012 for one year from the expiration date, October 16, 2017.

Kevin Kelly, Esq. of Kelly & Ward is representing the applicant.

Mr. Kelly stated: In October 2012. Mr. Occhifinto received an approval at 42 Hicks Avenue for two warehouses totaling approximately 15,100 square feet. Last year he came in and asked for a one year extension from the Board. We are here tonight to request a second one year extension for the same economic reasons except that we would like a waiver of the resolution if we are to get the approval. The client needs the space so something will happen soon.

Mr. Soloway stated: He doesn't have the final site plan approval yet so I'm not sure what he's requesting.

Mr. Kelly stated: That makes a lot of sense to me. Nevermind. The client didn't tell me. It went through somebody that works for him. Let me correct that too. In any event, the client wants to proceed so you wouldn't be seeing us for the final. Something is going to happen because the client needs the space.

Mr. Riccardo questioned: Are there two warehouses?

Mr. Kelly stated: Yes. One is 9,600 square feet and the other is 5,500 square feet.

Mr. Ricciardo made a motion to approve the extension to October 16, 2017. The motion was seconded by Mr. Levante.

AYE: Mr. Flaherty, Mr. Ricciardo, Mrs. Diglio, Mr. Levante, Mr. Butterfield, Mr. Majewski, Mr. Marion

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Extension approved.

Brian Giblin (#MSD-07-2015)
Block 14.03, Lot 11
36 Halsted Street

The applicant is requesting an extension of time for a minor subdivision approved on January 20, 2016.

Brian Giblin, Esq., of the firm Giblin & Gannaio, LLC.

Mr. Giblin stated: This is the second extension that I'm requesting on this. We had received one 6 months ago. We are just waiting on County Planning Board approval and that is the reason we need the extension.

Mr. Soloway stated: The Board, under the Statute, has the authority to extend the minor subdivision approval for a period of up to one year. You have already given a six month extension so you can only give another six months.

Mr. Ricciardo made a motion to approve the extension another six months. The motion was seconded by Mr. Flaherty.

AYE: Mr. Flaherty, Mr. Ricciardo, Mrs. Diglio, Mr. Majewski, Mr. Marion

Extension approved.

OLD BUSINESS

None

NEW BUSINESS

One Summit Avenue, LLC (#PBWSP-01-2017)
Block 4.05, Lot 21, T-3
1 Summit Avenue

The applicant is requesting a waiver of site plan for an emergency generator. **Incomplete for tonight's meeting.**

DISCUSSION

CORRESPONDENCE - Reviewed

EXECUTIVE SESSION - None

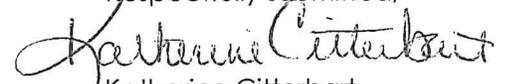
PUBLIC PORTION - None stepping forward

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ADJOURNMENT

Mr. Ricciardo made a motion to adjourn the meeting. Motion seconded by Mrs. Diglio. The meeting was adjourned at 7:25 PM with a unanimous "aye" vote. The next meeting will be held on February 15, 2017 in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary