

**Historic Preservation Advisory Commission Meeting  
Regular Meeting of November 19, 2018 7:00 pm**

The regular meeting of the Historic Preservation Advisory Commission took place on the above date. Chairman Dennis Becker read the Open Public Meetings Act and requested Commission Secretary Mrs. Citterbart to call the roll. Commission Secretary Mrs. Citterbart stated there was a quorum.

**OATH OF OFFICE**

None

**Members Present:** Mr. Porter, Mr. Kaplan, Mrs. Schulte, Ms. Baldini, Mr. Talty, Mr. Becker

**Professionals Present:** Casey Wolf of J. Caldwell & Associates

**Excused:** Mrs. Diglio

**Absent:**

**FLAG SALUTE:** was recited.

**CONSIDERATION OF MINUTES:**

Moved to the December 17<sup>th</sup> meeting.

**NEW BUSINESS:**

Domestic Abuse Services, Inc. (#HPC-02-2018)  
Block 7.05, Lot 13  
28 Church Street  
T-6 Zone

The applicant is requesting to install an emergency generator.

Sworn in: Brendan Perez of EM Electric and Dawn Penna, Director of DASI

William Hinkes, Esq. of Hollander, Strelzick, et al represented the applicant.

Mr. Hinkes stated: We are proposing to install a generator at the corner of High Street and Church Street across from the funeral home. As the survey indicates it is going to be along the roadway of High Street and going to meet the number of setbacks. Brendan Perez is our contractor and will testify and Dawn Penna is going to testify about DASI.

Ms. Penna stated: DASI Domestic Abuse and Sexual Assault Intervention Services. The building we are talking about is our transitional housing building. It has six apartments that house women, children, men, whoever is in need of our transition building. Most of the them come from an emergency safehouse and then do this program. So we are not landlords. This is a program that they're in that we provide case management, counseling as well as financial support. Some of them go to school while they're there to get programs, certificates to help them transition out and to restart their lives and hopefully with us they have a good foothold to start once they do that.

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Mr. Hinkes questioned: And the occupants are adults and children?

Ms. Penna stated: Correct. Adults and children. Two of our apartments are studios, but the others are three and two bedroom apartments. Which is why it is so important for us to have an emergency generator. We've lost power in the past, but with current weather conditions I'm more concerned. We have children from infants and up. They are there from 12 months to 18 months to three years. You can imagine when a little child gets scared in a different place and then in the dark.

Mr. Kaplan stated: We're happy you put the fence there because it's such a bad corner. So they can play out there.

Ms. Penna stated: Yes. It becomes their home for a long time so anything we can do to make this building feel more secure and safe for them is what we want to do.

Mr. Hinkes stated: We submitted with the application, three photos of the building. Mr. Perez will describe the generator.

Mr. Perez stated: The unit is not going to cover the entire building. It will just cover the necessities. So it's not going to be a big generator. It is a small unit that will fit in.

Mr. Hinkes questioned Ms. Penna: Is this a photo of the building?

Ms. Penna stated: Yes.

Mr. Hinkes questioned: Where will the generator be located?

Ms. Penna stated: Near the bushes in the empty spot.

Mr. Hinkes stated: The ordinance requires screening with a fence or shrubbery of some kind. You will have shrubbery that will be keeping with this.

Mr. Perez stated: This is a 20KW small unit that allows us to take the different circuits in the building and attach to the emergency panel. Such as heat and hot water, lighting and outlets, air conditioners. This is what the unit will look like. It's like a big deck box that you would store things in on your deck. The dimensions are 40" wide by 26" deep and 21" high. It will be installed on a preformed concrete pad on stone. It is something that is easily removable. So if the building changes in the future it's not a large machine.

Mr. Becker questioned: Is this near any windows where fumes could get inside the house?

Mr. Perez stated: No, it will be 5' away from any penetration to the building so that it doesn't allow for carbon monoxide.

Ms. Penna stated: There are no apartments on the side it is being installed. It is near the basement where the utilities are.

Mrs. Schulte questioned: My concern is that coming down route 94 into historic Newton you will be able to see it in some way.

Ms. Penna stated: Thereon is the only part of the children's play yard that there is where it is safe. This is the side with the picnic table and the only real area that the children can play that is

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fenced in and not next to that small area. With the way it is you can put shrubs there. As you're driving down you won't really see the unit as it will be surrounded by evergreens.

Ms. Penna stated: We don't have a sign on our building. We don't want people to think we have a huge industrial business. It's a home. That's how we want it to look for the safety of everyone here. So having just the emergency things needed on this, not to mention that the grant we received to cover this is so rare for us to have this opportunity. We want it to look like a home.

Mr. Becker questioned: What kind of fuel will it run?

Mr. Perez stated: Natural gas.

Mr. Porter questioned: What is the decibel level?

Mr. Perez stated: It is 63 dba. The regulations are 65 dba at the property line so this is lower.

Mrs. Schulte questioned: What is on the other side of the building?

Ms. Penna stated: There is just literally a sidewalk and then the other building. Behind is the parking lot to get into our shared lot. Across from that is our next neighbor. So it is very far away from the neighbor that's there. But on the opposite side we're literally a sidewalk apart.

Mr. Hinkes stated: You can see that on the survey Ms. Schulte. It is about 3' wide when you are heading in on Church Street

Mr. Perez stated: Part of what we do with the electric we try to hide them and muffle the sound from the neighbors. This is nice because it does face the street so the sound dissipates easier from the people across the street and it's farther away from the property line of the people behind us.

Mr. Kaplan questioned: Is there any way to separate this from the children?

Mr. Perez stated: The unit is lockable so they can't get into it. Even if they did, the unit is plastic not metal.

Mrs. Schulte questioned: What color is it?

Mr. Perez stated: It is khaki colored.

Mr. Porter questioned: Is there any way to put them on the inside where venting is on the outside?

Mr. Perez stated: No. The industry has gotten away from that because there is always the option of the exhaust pipe cracking and creating a leak and also a fire hazard. I was putting these in with my previous employer in police stations and big industrial complexes. So I am familiar with the safety and NFPA regulations and fire regulations. When I go to the site I can take all those factors into consideration and create the best scenario for that user.

Mrs. Schulte questioned: Will the shrubbery be evergreen or something that will stay all year long?

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Mr. Perez stated: Yes.

Mr. Talty questioned: Will it automatically kick on if the power goes out?

Mr. Perez stated: Yes.

Mr. Becker questioned: Will it be tested once a week?

Mr. Perez stated: Yes. For 30 minutes. When it runs the test it runs it on idle mode so it's even quieter and less obtrusive.

Mr. Kaplan questioned: When will it be installed.

Mr. Perez stated: As soon as you say I can.

Mr. Hinkes stated: We will have to go to the Planning Board after this.

Mr. Perez stated: We usually keep these units in stock. So once all the approvals come and between inspections it usually takes about three weeks.

Ms. Penna stated: DASI received a grant for this but we need to put the money out first before we get reimbursed for it. We would like to get it installed soon also because of the weather and all the storms we've had.

Application opened to the public.

1<sup>st</sup> Public: Wayne McCabe, 125 High Street, Newton. Questioned Mr. Perez. You mentioned that the material you handed out is not the unit that is being installed?

Mr. Perez stated: What we handed in is the standard factory form. This is more the actual unit that we have right now for them. We gave documents for what the overall manufacturer makes. There is a choice between getting an aluminum square edged unit or the softer shell unit. We are going with the softer shell.

Mr. McCabe stated: What are your specifications on the evergreens? What exactly are you going to plant?

Mr. Perez stated: I don't know off the top of my head.

Mr. Hinkes stated: What we intend to do is allow Mr. Simmons to decide what vegetation will be there.

Mr. McCabe stated: It should be here as part of your application.

Mr. Hinkes stated: I think what the Board would do is at its discretion would be to give a certificate of conformance subject to the approval of the Town Engineer of the appropriate vegetation.

Discussion ensued between Mr. McCabe and Mr. Hinkes on the procedures for approval.

Mr. McCabe questioned Mr. Perez: How close will it be to the foundation wall?

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Mr. Perez stated: It will be 3' from any non-combustible material and 5' from any opening in the building. That is the closest we can put it.

Mr. McCabe stated: So the bushes add an additional 3'. So you are looking at 8' before the new bushes get planted away from the foundation. Is that correct?

Mr. Perez stated: About that. Yes.

Mr. McCabe questioned Ms. Penna: So the reason you aren't putting it in the backyard is because that is where the children play?

Ms. Penna stated: Yes.

Mr. McCabe questioned: Can they play in the side yard?

Ms. Penna stated: No. There is not enough room to play there. Plus there is a basement apartment window in the back so the generator wouldn't be an option there anyway.

Discussion ensued regarding shrubbery.

Mrs. Schulte stated: I would recommend something like boxwood. It is nice and dense.

Mr. McCabe questioned Mr. Perez: For clarification, your unit will be 3' away from the building give or take. It's roughly 4' wide, correct?

Mr. Perez stated: Yes. It's running parallel to the building.

Mr. McCabe stated: Ok. So 4' wide and another 3' on each side for bushes. So you have 10 feet of bushes. So the inside area that the shrubs are going to form around will be an 8' x 10' area with the unit in the center. That's what I'm trying to get to.

Discussion ensued on area and placement of shrubbery.

Portion closed to the public.

**Mrs. Baldini made a motion to approve the application as amended with soft shell and boxwood or other dense landscaping subject to the approval of the Town Engineer. Mr. Kaplan seconded the motion.** The application was approved with a unanimous "aye" vote.

**AYE:** Mr. Porter, Mr. Kaplan, Mrs. Schulte, Mrs. Baldini, Mr. Talty, Mr. Becker

NEPA Survey – Cellular Antenna Facility Review & Comment  
Newton SC-007  
93-95 Spring Street  
Acer Project # 20181350

Casey Wolf of J. Caldwell & Associates spoke on the review of 93-95 Spring Street.

Ms. Wolf stated: They are replacing the current antenna with radio heads. I'm not sure how large it will be in comparison with what is currently there. They listed the items from the ordinance that they are conforming to. It says that the existing building is 81' and that with this new addition it will become 84' after the proposed changes. That does not constitute a

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significant change. The Buyers Communication Facilities Law says a 10% difference in height constitutes a significant change, or the expansion of the area to greater than 2500 square feet. But that is not the case here either. With that it would be up to the Board to determine whether the visual impact has an adverse effect.

Mr. Becker stated: According to AT&T there is no visual change.

Mrs. Schulte questioned: When the first application was approved they were supposed to encase the area so you would not see the antennas from any direction.

Mrs. Citterbart stated: This is not the same application though. This is totally different.

Mrs. Schulte stated: But it's on the same roof and it is going to be taller. You can see what is existing there now from different angles when you come in. These are going to be taller so how do you conceal them? How tall can you make the façade so you don't see them without taking away the architectural design of the building?

Mrs. Citterbart stated: You will have to make a recommendation and then send it back.

Mrs. Schulte stated: I recommend that they show us how they are going to camouflage that area so we won't see them from Main Street or even Water Street. They should show us that they are going to maintain the integrity of the building.

Mr. Becker stated: You can see on 25 & 26, you can't see it from the front, only the back.

Portion opened to public.

Mr. McCabe asked Mrs. Citterbart if she has the letter from the first application.

Mrs. Citterbart stated: Yes.

Mr. McCabe stated: I would suggest that you look at the correspondence that has been sent back and forth and reiterate that it was supposed to be done the last time and now they're coming back again. Before anyone signs off on this thing you ought to see how you are going to do this and send a copy to the State Preservation Office so they know you've been in consultation on this. Then the AT&T people can do the rest.

Discussion ensued on what was required last time.

Mr. Talty questioned: Whose job is it to enforce what we recommend?

Mr. Becker stated: The Planning Board.

Mrs. Citterbart stated: They did, but Construction has the same plans that you ok'd.

Mr. Becker stated: Yes, but they never finished the job. Someone signs off on it, we are just an advisory commission.

Discussion ensued on original application.

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Mr. Becker stated: I would make a recommendation that they finish the job they were supposed to do the first time before they can do this. They were supposed to put up a screen to hide it that matches the building and they were supposed to hide the wires.

Mr. McCabe stated: This is aside from that because this is a Section 106 Review which has nothing to do with the Planning Board. This is strictly with consultation from this Board to the State Historic Preservation Office. This has nothing to do with the Planning Board or MLU Act.

Mrs. Citterbart stated: It's on your recommendation that they approve or deny.

Mr. Becker questioned: Who has to sign off that the job was completed?

Mrs. Citterbart stated: I will have to check with Construction. But this is a different company. The first application was Verizon Wireless and this one is AT&T.

Mr. Talty stated: They may not be liable for finishing their job, but we can make requirements for the new one.

Mr. McCabe instructed Mrs. Citterbart to copy the same letter from 2015 using the same language as before.

Discussion ensued.

Mr. Becker stated to Mrs. Citterbart: Please include in the note to them that the antennas can be seen in photographs 3, 9, 12, 17, 19, 21, 23, 25, and 26. They should not be visible. They are supposed to be concealed.

Mr. Porter stated: Elevation 1A05 you can clearly see has an adverse visual view by both State and National Historic.

Mr. McCabe stated: As well as sides on visual 8. The visual barrier can't go higher than the front pediment with an enclosure on all sides. There should be concealment along it, submit materials, and conceal wires going down the building the last time as per 2015.

Mr. Kaplan stated: We did approve it to the back of the building but to be covered. They wanted to put it on up front and we said no put it on the Trinity side but they were supposed to cover it.

Mr. Porter stated: My main concern is the front.

Mr. McCabe stated: I agree but it is supposed to be designed so you don't see it at all.

Ms. Wolf stated: The added 3' would not be to the front façade. It would be in the back.

Mr. Becker stated: I would recommend that if they want to change their antennas they will have to put some kind of visual barrier up around them so you can't see them from any part of the street. It cannot go higher than the front pediment or the front wall with an enclosure on the sides and the back (follow the perimeter of the wall) all the way around it.

Mr. Talty questioned: Is there some kind of red flag on the permit to say that there is a historical aspect to it?

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Mrs. Citterbart stated: Usually I give the historic recommendation to the Construction Official and he has it in his file.

Workshop on "Renovation of Commercial Facades" presented by Sussex County Historian, Wayne McCabe.

**OLD BUSINESS:**

None

**CORRESPONDENCE:**

Quantum Solutions invitation

**OPEN TO THE PUBLIC:**

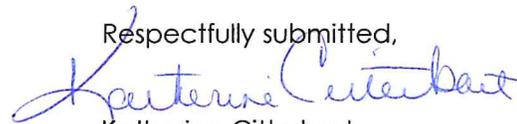
None stepping forward.

**ADJOURNMENT:**

**Mrs. Schulte made a motion to adjourn the meeting. Mr. Kaplan seconded the motion. The meeting was adjourned with a unanimous "aye" vote at 9:00 PM.**

The next regular scheduled meeting will be held on December 17, 2018 at 7:00 PM in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart  
Historic Commission Secretary