

TOWN OF NEWTON
PLANNING BOARD
JANUARY 16, 2019
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.

OATH OF OFFICE:

Vicki Hall – Alternate Member
Barbara Vrahnos - Alternate Member
Helen Le Frois – Class I
Daniel G. Flynn – Class III
Thomas S. Russo, Jr. – Class II
David Simmons – Board Engineer – Sworn in

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Wink, Mrs. Vrahnos, Ms. Hall, Mrs. Le Frois, Mr. Flynn, Mr. Russo, Jr., Mr. Marion

Excused: Mr. Ragsdale, Mr. Le Frois

Absent: Mr. Butterfield

Professionals present: David H. Soloway, Esq. of Vogel, Chait, Collin & Schneider
David Simmons, Harold E. Pellow and Associates

THE SUNSHINE STATEMENT: Was read.

2019 ELECTION AND APPOINTMENTS:

ELECTION OF CHAIRMAN: A motion to nominate and appoint Greg Le Frois to the position of Chairman was made by Mr. Flynn and seconded by Mr. Russo. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Ms. Hall – yes; Mrs. Le Frois – yes; Mr. Flynn – yes; Mr. Russo – 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 Mrs. Le Frois and seconded by Mr. Russo. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Ms. Hall – yes; Mrs. Le Frois – yes; Mr. Flynn – yes; Mr. Russo – 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. Russo and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Ms. Hall – yes; Mrs. Le Frois – yes; Mr. Flynn – yes; Mr. Russo – yes; Mr. Marion – yes. The motion carried.

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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 Mrs. Le Frois and seconded by Mr. Russo. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Ms. Hall – yes; Mrs. Le Frois – yes; Mr. Flynn – yes; Mr. Russo – yes; Mr. Marion – yes. The motion carried.

APPOINTMENT OF CONFLICT ATTORNEY: A motion to appoint M. Richard Valenti, Esq., of the firm Morris, Downing & Sherred to the position of Conflict Attorney was made by Mr. Russo and seconded by Mrs. Vrahnos. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Ms. Hall – yes; Mrs. Le Frois – yes; Mr. Flynn – yes; Mr. Russo – 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. Russo and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Ms. Hall – yes; Mrs. Le Frois – yes; Mr. Flynn – yes; Mr. Russo – 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 Mrs. Vrahnos and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Ms. Hall – yes; Mrs. Le Frois – yes; Mr. Flynn – abstained; Mr. Russo – 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. Russo and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Ms. Hall – yes; Mrs. Le Frois – yes; Mr. Flynn – yes; Mr. Russo – yes; Mr. Marion – yes. The motion carried.

NEWSPAPERS OF RECORD FOR 2019: A motion to designate the New Jersey Herald and the Sunday Herald as the official Newspapers of record was made by Mr. Marion and seconded by Mr. Vrahnos. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Ms. Hall – yes; Mrs. Le Frois – yes; Mr. Flynn – yes; Mr. Russo – yes; Mr. Marion – yes. The motion carried.

2019 TECHNICAL REVIEW COMMITTEE APPOINTMENTS:

A motion to appoint Mr. Le Frois and Mr. Russo as regular members and Mr. Wink as an alternate member to the TRC was made by Mr. Marion and seconded by Mr. Flaherty. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Ms. Hall – yes; Mrs. Le Frois – yes; Mr. Flynn – yes; Mr. Russo – 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.

January 16, 2019

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February 20, 2019

March 20, 2019

April 17, 2019

May 15, 2019

June 19, 2019

July 17, 2019

August 21, 2019

September 18, 2019

October 23, 2019

December 18, 2019

January 15, 2020

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

A motion was made by Mr. Marion and seconded by Mrs. Vrahnos to approve the meeting dates for 2019. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Ms. Hall – yes; Mrs. Le Frois – yes; Mr. Flynn – yes; Mr. Russo – yes; Mr. Marion – yes. The motion carried.

CONSIDERATION OF MINUTES

December 19, 2018

A motion was made by Mr. Russo and seconded by Mr. Marion to approve the December 19, 2018 meeting minutes.

AYE: Mr. Wink, Mrs. Vrahnos, Mrs. Le Frois, Mr. Flynn, Mr. Russo, Mr. Marion

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

2018 Zoning Summary

Mr. Soloway reviewed the 2018 Zoning Summary and stated: Before this report comes out, Ms. Citterbart, Ms. Caldwell and I have a conference call and we mention things that have come up without necessarily coming before the Board that sometimes present problems. Item 1 is the ongoing problem with front yard parking on small residential lots. It's a combination of not being

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allowed to park overnight and not being allowed to park in the front yard. The second item was prompted by Mr. Flynn when we had a fully conforming application for a standby generator. It was mentioned that maybe we don't really need something like this to come before the Board. So the Council may want to look at whether a fully conforming application for an emergency standby generator that doesn't violate a setback requirement maybe can go directly to permitting without going to the Board if it is the same size generator that you would get at a residential dwelling. The third item has to do with Spring Street and the Square. Under the ordinance the site plan review is triggered with a change of use. There are situations where businesses move out on Spring Street and a new business moves in. What the Zoning Officer has been doing on those, if it's the same type of business and they are not doing any exterior improvements that require a site plan, she will just give them a zoning permit. Sometimes if you have a retail use change to a restaurant use, under the ordinance restaurants have different parking requirements than retail. If the new use under the ordinance requires more parking than the prior use, the Zoning Officer doesn't issue a zoning permit. There is another one with a house of worship. Sometimes people get discouraged, don't want to spend the money and will locate elsewhere. Maybe this is something that can be explored. As a practical matter, in this particular area on Spring Street and the Square there is no on-site parking. The customer base will be parking in a municipal lot. So it may be something you want to look at. The argument to allow that is that you want to make it as easy as possible for new businesses to locate there. The argument against it is that if it's a dramatic enough change maybe you do want to look at it.

Discussion ensued.

Mr. Soloway continued his summary: The fourth item just happened last week. A law abiding woman moving into Town wants to adopt a potbelly pig. She checked with the Town to make sure it didn't violate the ordinance. Technically it does in a back handed way. The Town has a separate ordinance chapter dealing with animals which needs to be adjusted. It reads that the only animals allowed to be in the house are dogs and cats. That ordinance defines all pigs as livestock. Under the conditional use ordinance dealing with farming and agricultural uses, livestock has to be kept in a structure 200' from an adjoining property. So the technical answer for this law abiding woman was that we can't tell you that it is permitted.

Discussion ensued.

Mr. Marion stated: For the record we want to bring all four items to the Town Council to review.

Mr. Flaherty made a motion to approve the report and transmit it to the Council. The motion was seconded by Mr. Russo.

AYE: Mr. Flaherty, Mr. Wink, Mrs. Vrahnos, Ms. Hall, Mrs. Le Frois, Mr. Flynn, Mr. Russo, Mr. Marion

The motion was carried.

Domestic Abuse Services, Inc. (#PBSP-10-2018)
Block: 7.05, Lot: 13
28 Church Street

The resolution is granting installation of an emergency generator on the property.

Mr. Flynn made a motion to approve the resolution. The motion was seconded by Mrs. Le Frois.

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AYE: Mr. Wink, Mrs. Vrahnos, Mrs. Le Frois, Mr. Flynn, Mr. Russo, Mr. Marion

The motion was carried. Resolution approved.

Newton Christian Reformed Church (#MSP-7-2018)
Block: 7.03, Lot: 7
23 Thompson Street

The resolution is granting minor site plan approval for exterior building modifications and relocation of a sign.

Mr. Russo made a motion to approve the resolution. The motion was seconded by Mr. Flynn.

AYE: Mr. Wink, Mrs. Vrahnos, Mrs. Le Frois, Mr. Flynn, Mr. Russo, Mr. Marion

The motion was carried. Resolution approved.

Punctuated Equilibrium (#PFSP-8-2018)
Block: 22.04, Lot: 1, 2, 3, 4, 5, 13, 14 & 15
Diller & Sparta Avenue

The resolution is granting preliminary and final site plan approval for consolidation of lots.

Mrs. Le Frois made a motion to approve the resolution. The motion was seconded by Mr. Russo.

AYE: Mr. Wink, Mrs. Vrahnos, Mrs. Le Frois, Mr. Flynn, Mr. Russo, Mr. Marion

The motion was carried. Resolution approved.

OLD BUSINESS

None

NEW BUSINESS

None

CORRESPONDENCE

Engineer's 2018 End-of-Year Report dated December 3, 2018.

2018 Historic Commission Project Report – Jessica Caldwell.

Ordinance #2010-16 – Attendance Policy for Elected Officials and Appointed Board Members.

Rules and Regulations of the Planning Board of the Town of Newton.

Resolution #27-2019 – Appointment of Certain Board and Commission Members.

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Resolution #15-2019 – Appointment of Sandra Lee Diglio as Town Council Liaison to the Historic Preservation Advisory Commission.

Resolution #10-2019 – Appointment of Mayor as a Class I Member of the Newton Planning Board.

Resolution #11-2019 – Appointment of Town Council Representative as a Class III Member of the Newton Planning Board.

Resolution #23-2019 – Authorize the Award of a required Disclosure Contract for J. Caldwell & Associates, LLC as Planner for the Town of Newton for Calendar Year 2019.

Ordinance #2018-24 – Ordinance of the Town of Newton, in the County of Sussex, New Jersey, Adopting a Redevelopment Plan for Certain Properties on Spring Street, Diller Avenue and Sparta Avenue (Diller Avenue Redevelopment Area), pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*

The New Jersey Planner – November/December 2018 Vol. 79, No. 6.

EXECUTIVE SESSION - None

PUBLIC PORTION - None stepping forward

ADJOURNMENT

Mr. Flaherty made a motion to adjourn the meeting. Motion seconded by Mr. Flynn. The meeting was adjourned at 7:37 PM with a unanimous “aye” vote. The next meeting will be held on February 20, 2019 in the Council Chambers of the Municipal Building.

Respectfully submitted,

Katherine Citterbart
Planning Board Secretary