

TOWN OF NEWTON
PLANNING BOARD
MAY 20, 2020
MINUTES

The regular meeting of the Newton Planning Board took place on the above date via ZOOM. Chairman Le Frois 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: None

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Diglio, Mr. Russo, Mr. Ragsdale, Mr. Couce, Mr. Schick, Mr. Le Frois

Excused: Mr. Flynn, Mrs. Hall-Romer

Professionals present: Tom Molica, Esq. of Vogel, Chait, Collin & Schneider
David Simmons, Harold E. Pellow and Associates
Jessica Caldwell, J. Caldwell & Associates

THE SUNSHINE STATEMENT: Was read.

CONSIDERATION OF MINUTES

January 15, 2020

A motion was made by Mrs. Vrahnos and seconded by Mrs. Diglio to approve the January 15, 2020 meeting minutes.

AYE: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Diglio, Mr. Russo., Mr. Couce, Mr. Schick, Mr. Le Frois

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

Amending agreement with Conflict Planner Phil Abramson of Topology NJ, LLC.

A motion was made by Mr. Russo to approve the resolution. Mr. Marion seconded it.

AYE: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Diglio, Mr. Russo, Mr. Ragsdale, Mr. Couce, Mr. Schick, Mr. Le Frois

The motion was carried. Resolution approved.

OLD BUSINESS:

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None

NEW BUSINESS:

Weis Markets, Inc. (#P-3-2020)
119 Water Street
Block: 9.03, Lot: 16

The Applicant is requesting site plan approval and associated variances for a "Gas N Go" drive-through facility with kiosk, canopy and six fueling positions. **(Requested to be heard at the June 17, 2020 Planning Board meeting).**

Newton Commons Condo Association, Inc. (#P-1-2020)
Portion of Common Area between 63 Plainfield Avenue and 68 Plainfield Avenue
Block: 12.01, Lot: 1 & Block: 12.09, Lot 1
T-3 Zone

The Applicant is requesting a minor subdivision and D-2 variance. **(Applicant requested an extension and to be heard at the June 17, 2020 meeting with no further notice).**

Samaritan Inn, Inc. (#P-2-2020)
23 Union Place
Block: 15.01, Lot: 46
T-5 Zone

The Applicant is requesting approval for conversion of a two-family residence to a three-family residence.

Matthew Lynch, Esq. from Askin & Hooker represented the applicant.

Sworn in:
Chris Wolverton – Principal HQW Architects, Architect
Dawn Metzger – Director of Samaritan Inn

Mr. Wolverton gave his credentials as a licensed architect in the states of NY, NJ, and PA. His license is current. The Board accepted his credentials.

Mr. Wolverton summarized the proposed plan for converting a two-family residence to a three-family residence. He described the Plan on Sheet A1, page 35, Existing 2 Story Dwelling. The size of the existing lower level unit is 780 square feet. It will be split into two equal halves to create 2 studio apartments each 390 square feet.

Ms. Metzger gave testimony on criteria for being accepted into one of Samaritan Inn's dwellings. They have received a grant from DCA for \$191,845 to do renovations and upgrades to this house.

Mr. Simmons reviewed his report dated March 13, 2020. The subject property meets the bulk requirements of the T-5 Zone. The ordinance requires a minimum buffer of 10' from the property line to the parking area. Only 4' is provided and the access drive is adjacent to the northeasterly property line. Therefore a variance is required. The site plan includes construction

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of four(4) parking spaces and a driveway. Pavement box should consist of 2" bituminous concrete surface course and 4" deuse graded aggregate. Spaces to be striped. The ordinance requires an aisle width of 24' for 90 degree parking spaces. Only 18' is available. Therefore, a waiver is required. The ordinance requires a minimum driveway width of 12' for one way traffic. Only 10' is provided. The ordinance requires driveways on lots less than 50' in width to be no closer than one foot to a side property line. This proposed driveway is right on the property line. The Newton Water Department advised that the existing water service to the dwelling is only ½" diameter. Based on the proposed expansion a new type K copper water service with a diameter of at least 1" to be constructed from the watermain in Union Place to the dwelling. The existing ½" water service to be properly capped at the main. Based on preliminary information, the additional apartment unit is going to require some fire sprinklers which will require at least a separate 2" water service line. Make and model of proposed generator needs to be specified and confirmed to be able to operate and meet all sound level requirements at the property line. Construction details needed for proposed reinforced concrete apron, curbs, and sidewalk installation. There is an existing block patio near northern side of the property shown to be removed. This will help with vehicles backing out of the parking spaces. There is an existing shed in the northwest corner that encroaches slightly on lot 6. There is also an existing concrete slab in northerly most corner that encroaches on lot 6, but is called out to be removed on the survey. All other standard approvals required as well as a final as-built.

Ms. Caldwell reviewed her report dated March 12, 2020. The applicant proposes to rehab the residential building from two dwelling units into three dwelling units within the existing building footprint. The applicant seeks to turn the first level from the current two-bedroom apartment into two (2) studio apartments. The studio apartments will have their own entrances. The applicant is proposing a new driveway and four (4) parking spaces on site. A minimum 10' buffer is required and only 4' is provided; a variance is required. The proposed generator meets the minimum distance requirements on the placement of the unit. The application should be conditioned on the proposed generator meeting the noise and operational standards of the ordinance. The application requires a bulk variance for a parking area buffer. Bulk variances can be granted by the Planning Board where two provisions exist for the granting of bulk variances. The first provision is where the Board must find whether there has been a showing of peculiar exceptional practical difficulties or exception undue hardship arising out of the exceptional narrowness, shallowness, or shape of a piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting this specific piece of property or the structures lawfully existing thereon. The second provision for granting a "c" variance is where the Board must find that the application relates to a unique situation on a specific piece of property, that the purposes of the MLUL would be advanced by the requested deviation, that the variance can be granted without substantial detriment to the public good, that the benefits of granting the variance outweigh any detriments and that the variance will not substantially impair the zone plan or ordinance. In both cases the negative criteria must be met, which includes a showing that the proposed variances will not cause a substantial detriment to the public good (the neighborhood) or substantial impairment of the Master Plan and Zoning Ordinance.

The Board asked about exterior modifications and power washing. Ms. Metzger said that there will be no exterior modifications other than new windows and that power washing is included in this grant.

The Board questioned whether the generator will be natural gas. Ms. Metzger confirmed that it would be.

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Mr. Le Frois opened this portion of the meeting to the public. No public stepping forward. Portion closed.

Ms. Metzger requested waiving of the resolution if approved today. Mr. Molica confirmed that if the Board approves the application, the Board can consider the Applicant's request that the Board waive adoption of the Resolution memorializing the approval of the application, so that the Applicant can commence work authorized pursuant to the approval. In this instance, the Applicant would be proceeding at its own risk.

The Board questioned whether applicable fire safety standards, measurements, calculations and dimensions relating to fire safety and/or other construction details will be included in the form of Resolution memorializing the Board's approval. Mr. Molica said such figures are typically not specifically cited in detail in the Resolution, but that they are cross-referenced, because the Resolution will contain language stating that the approval is subject to the testimony and plans presented by the Applicant, and that the plans should contain these figures."

"The Applicant requested waiving the adoption of the resolution memorializing approval of the application. The Board agreed, with the Applicant acknowledging it would be proceeding at its own risk.

A motion was crafted for approval of the application with the following conditions: subject to all required approvals from two to three bedroom home; applicant will comply with reports; the generator must comply with Town, County, and noise ordinance; current condition of homes siding façade will be power washed and the property properly maintained; if there are any plan revisions to not put in four parking spaces Ms. Caldwell should see the plan; asphalt subject to Mr. Simmons and Ms. Metzger and a contractor or must return to Board.

Mr. Marion made a motion to approve the application. Motion seconded by Mr. Flaherty. Aye: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Diglio, Mr. Russo, Mr. Ragsdale, Mr. Couce, Mr. Le Frois.

The motion was carried. Application approved.

Applicant requested waiving the resolution. Board agreed.

DISCUSSION: - None

CORRESPONDENCE: Reviewed.

McGovern & Roseman, P.A. – Letter dated April 23, 2020, requesting to schedule the hearing to June 17, 2020 and extend any deadlines in order for the Board to proceed on that date.

Ordinance No. 2010-16 – Attendance Policy for Elected Officials & Appointed Board Members.

EXECUTIVE SESSION - None

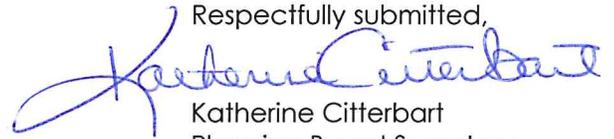
PUBLIC PORTION - None stepping forward

ADJOURNMENT

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Mr. Marion made a motion to adjourn the meeting. Motion seconded by Mrs. Vrahnos. The meeting was adjourned at 8:18 PM with a unanimous "aye" vote. The next meeting will be held on June 17, 2020.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary

