

TOWN OF NEWTON
PLANNING BOARD
AUGUST 19, 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. Diglio, Mr. Russo, Mr. Couce, Mr. Schick, Mr. Le Frois

Excused: Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Flynn, Mr. Ragsdale

Professionals present: David Soloway, 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

July 15, 2020

A motion was made by Mr. Russo and seconded by Mr. Marion to approve the July 15, 2020 meeting minutes.

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

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

None

OLD BUSINESS:

None

NEW BUSINESS

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

TOWN OF NEWTON
PLANNING BOARD
AUGUST 19, 2020
MINUTES

The Applicant is requesting a minor subdivision and D-2 variance (Applicant has requested an extension from the May 20, 2020, June 17, 2020, July 15, 2020, and August 19, 2020 meetings. Application is being extended with no specific date yet. Applicant will need to re-notice once a date is chosen.)

Red Knight Properties (#P-6-2020)
64 Mill Street
Block: 5.04, Lot 7

The Applicant is requesting a site plan waiver to construct two one-bedroom apartments in the existing structure where there are currently three apartments on the upper floors.

Megan Ward, Kelly & Ward, LLC represented the applicant.

Ms. Ward stated: The property is at 64 Mill Street and is at the corner of Mill Street and Hillside Terrace. This is an application for a site plan waiver. The property is fairly large at a little over 3 ½ acres. It is in the T-4 zone. It shares the property with Mill Street Manor. There are 42 units on site. What is proposed is to convert the first floor of the existing structure into two rental units. That would raise the total count to 43 units. There are quite a few prior applications and approvals for this property that date back to the 1970s. There are no exterior modifications to the site. The only thing involved in the application is interior construction. We participated in a TRC meeting this afternoon that gave us insight on what the Board needs to see. The only other thing of primary importance is that we demonstrate there is sufficient parking on site and a variance isn't required. We reviewed the survey and determined that there are 59 surface spaces on site and in addition there are 11 garage spaces. Those are highlighted on the survey. In the T-4 zone 65 spaces are required for 43 units. We have 70. We submitted photos of the 11 garages and at Mr. Simmons recommendation we revised the key map to show in red the circumference of the 200' boundary from the property. So that was clarified for the Board and public. There is also a photograph on the HQW plans.

Sworn in:

Christopher Wolverton, HQW Architects, 124 Main Street, Newton, NJ

Anthony Scandeariato, Red Knight Properties, 307 Church Street, Boonton, NJ

Brian Leonard, Red Knight Properties, 53 Spring Valley Road, Morristown, NJ

Ms. Ward questioned the witnesses and verified the following information:

All three participated in the TRC meeting. Red Knight Properties has owned the premises since November 2019. They confirmed the existing conditions, size of property, and what is proposed as the site plan waiver application as described by Ms. Ward was accurate. Site plan waiver application with interior construction and no site modifications.

Ms. Ward questioned Mr. Wolverton: Has HQW worked on the plan for proposed construction?

Mr. Wolverton stated: Yes.

Ms. Ward questioned: Was there a slight modification made today to show on the key map the 200' line on the property?

TOWN OF NEWTON
PLANNING BOARD
AUGUST 19, 2020
MINUTES

Mr. Wolverton stated: Correct.

Ms. Ward stated: We submitted to the Board HQWs proposed plan for the construction of the one additional unit to bring the onsite count to 43. Correct?

Mr. Wolverton stated: Yes.

Mr. Wolverton gave his credentials. Graduated Ensler Party Technic Institute in 2008; Prior to that a Burn graduate; worked at HQW since 2006; received architectural license in 2013; became partner in 2014; license is current in NJ, NY, PA, and DE. He has previously testified before this Board on other applications. Has a diverse portfolio.

Board accepted his credentials as Licensed Professional Architect.

Mr. Wolverton stated: The property is at 64 Mill Street. It is a 3 floor structure. The 2nd and 3rd floors are occupied by three 2-bedroom apartments. The lower level has not been used in several years. It was a commercial apparel store. On sheet A-1 you can see we are adding two units to the lowest level. It will consist of two one-bedroom units with a bedroom, closet, living space, kitchen and dining area and a bathroom. Split down between the two units will be access to the back mechanical room. The other unit will be the same. Each unit will be about 450 square feet. The entrance will be at the front of the building.

Mr. Le Frois questioned: Are there any major electrical or mechanical modifications? And can you also discuss the water/sewer supply?

Mr. Wolverton stated: Yes. It being a single commercial entity on the bottom level the intent will be to completely gut the space and bring it down to the studs and ceilings. We can add any necessary fire ratings required. Then we will be adding new electrical. Not sure how it will be metered as it has not been discussed yet. There will be all new mechanical systems; heating, and ventilation and not sure about cooling. As far as water, gas, and electrical supply; everything is currently onsite. It is assumed to be adequately sized as we are not adding anything to the building and just opening up existing space.

Mr. Marion questioned: Are the proposed two apartments sharing the entrance and then the hallway divides the two units?

Mr. Wolverton stated: Yes.

Mr. Marion questioned: Have you decided how to heat and cool the units? Is there going to be a mini split with a condenser out the back?

Mr. Wolverton stated: That has not been discussed yet but would be my suggestion.

Mr. Marion questioned: Can you confirm the final number of units?

Ms. Ward stated: Yes. There will be 43.

Ms. Caldwell reviewed her report dated August 18, 2020 and stated: I had questions regarding parking and the additional unit. The requirement is 65 spaces. They initially showed only 59 spaces. However, they have shown 11 garage spaces which will bring it to 70 spaces. So they

TOWN OF NEWTON
PLANNING BOARD
AUGUST 19, 2020
MINUTES

have sufficient spaces. There are no exterior changes. I have no objections to the Board approving the application. The commercial and residential uses are both permitted in the zone.

Mr. Simmons stated: I did not complete a report as Ms. Caldwell covered the planning issues on this limited application. However, based on discussions at the TRC today I have one additional item I suggest if the Board finds favorably upon the application that they make a condition they be subject to application review and approval by the Newton Utility Advisory Board to assure the adequacy of the water and sewer connection and any additional connection fees that would be required; and the traditional required code official reviews to make sure any additional service line is required for fire protection of this unit.

Mr. Le Frois questioned: At the TRC we talked whether or not the County Planning Board has jurisdiction here. Do we know?

Mr. Soloway stated: I don't think the County has jurisdiction here. It is not a site plan or a subdivision. Although, they should confirm it with the County.

Mr. Le Frois asked if anyone had any questions.

Mr. Soloway stated: I have two. As a result of the TRC meeting there was an additional marked up survey submitted by email a few hours ago. Can we make this an exhibit here?

Ms. Ward stated: Yes.

Mr. Soloway stated: My second question is you are indicating the 11 garages are included in the available parking. Are any of them rented?

Mr. Scandeariato stated: Seven are being used by residents, 3 are being rented by an HVAC company, and 1 is available.

Mr. Soloway stated: So that would mean you have only 8 available to the residents?

Mr. Scandeariato stated: Yes.

Mr. Soloway questioned Ms. Caldwell: Is that enough?

Ms. Caldwell stated: Yes. As long as it is greater than 65.

Mr. Wolverton forwarded the additional marked up survey to Mr. Russo who then shared it with the Board. It was marked as Exhibit A1.

Mr. Soloway questioned: Mr. Simmons and Ms. Caldwell, you have reviewed Exhibit A1 and are satisfied with it?

Ms. Caldwell stated: Yes.

Mr. Simmons stated: Yes.

The image of the 6 garages was marked as Exhibit A2.

TOWN OF NEWTON
PLANNING BOARD
AUGUST 19, 2020
MINUTES

The image of the 5 garages was marked as Exhibit A3.

The revised HQW plan with 200' property line in red was marked as Exhibit A4.

No further questions.

Mr. Marion made a motion to approve the application with the condition that the Utility Advisory Board review and if required approval by any code officials with jurisdiction and the typical conditions that attach to any resolution with other agency approvals. Mr. Russo seconded the motion.

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

Application approved.

Ms. Ward requested waiver of receipt of resolution so applicant can begin process of approval.

Mr. Soloway stated: My only concern is there will be likely additional escrow fees.

Ms. Ward questioned: Can the Board Secretary send a letter on behalf of the Board to Construction to inform them that it has been approved and will be memorialized in September?

Mr. Soloway stated: Ok.

CORRESPONDENCE

The New Jersey Planner May/June 2020, Vol. 81, No. 3

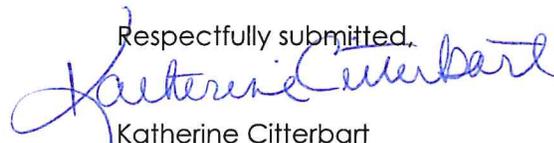
EXECUTIVE SESSION

None.

Portion opened to the public. None stepping forward. Portion closed.

Mr. Marion made a motion to adjourn the meeting. Motion seconded by Mrs. Diglio. The meeting was adjourned at 7:50 PM with a unanimous "aye" vote. The next meeting will be held on September 23, 2020 via ZOOM.

Respectfully submitted,


Katherine Citterbart
Planning Board Secretary