

TOWN OF NEWTON
PLANNING BOARD
FEBRUARY 17, 2021
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.

OATH OF OFFICE: None

SALUTE TO THE FLAG: Was recited.

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Dickson, Mr. Schlaffer, Mr. Russo, Jr., Mrs. Le Frois, Mr. Le Frois

Excused: Mr. Ragsdale, Mr. Ricciardo

Absent: Mr. Schick

Professionals present: Ursula Leo, Esq. of Laddey, Clark & Ryan
David Simmons, Harold E. Pellow and Associates
Jessica Caldwell, J. Caldwell & Associates

THE SUNSHINE STATEMENT: Was read.

CONSIDERATION OF MINUTES

January 20, 2021

A motion was made by Mrs. Vrahnos and seconded by Mr. Flaherty to approve January 20, 2021 meeting minutes.

AYE: Mr. Flaherty, Mr. Marion, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Dickson, Mr. Schlaffer, Mr. Russo, Mr. Le Frois

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

**Punctuated Equilibrium, LLC- (P-15-2020)
1 Brooks Plaza
Block 20.01, Lot 1;
Block 22.04, Lots 3 & 6**

The Resolution grants preliminary and final site plan approval for the construction of a 158,000 sq. ft. building and bulk variance approval for first-floor story height.

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A motion was made by Mrs. Vrahnos and seconded by Mr. Marion to approve the resolution with corrected spelling of names.

AYE: Mr. Flaherty, Mr. Marion, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Dickson, Mr. Russo, Mr. Le Frois

The motion was carried.

OLD BUSINESS:

None

NEW BUSINESS

**Angelina Louis & Alfred Stewart, Jr. (#P-14-2020)
137 Mill Street
Block 3.04, Lot 3**

The Applicant is requesting minor site plan approval with a "d" variance.

Application was carried without further notice to the regularly scheduled meeting of the Newton Planning Board on February 17, 2021 via ZOOM.

The Mayor and Deputy Mayor recused themselves.

Alyse Landano-Hubbard, Esq. represented the Applicant and summarized the application.

Ms. Landano Hubbard stated: I'm here on behalf of Mr. Stewart and Ms. Louis. They are the owners of 137 Mill Street, block 3.04, lot 3 in the Special District 3 Zone, that's retail manufacturing. The property consists of a two-family dwelling, a three-bay garage, an accessory structure that is currently used for storage, along with the driveway and a parking area. The applicants are proposing to convert that two-family dwelling into a three-family dwelling and convert the existing accessory structure into another dwelling unit resulting in four total units which are not permitted in the Special District 3 Zone. We are requiring relief from Municipal Land Use Law section 40:55D-70 D1. This is a strict use variance from section 320-13 of Newton's land use ordinances. There's a minor site plan associated with this as well. There are some minor site improvements including the removal of a vestibule in the rear of the home, sidewalks, and related landscaping.

Sworn in:

Fred Stewart, Applicant/Engineer
Angelina Louis, Applicant
Ken Fox, Planner

Fred Stewart gave his educational background. He has been a licensed Surveyor since 1991 and received his Bachelor's in Engineering in 1996. His license is current.

The Board accepted his qualifications.

Ken Fox gave his qualifications as a Planner. He has a Bachelor's of Architecture and a license to practice Architecture and Planning. He received his license in 1987.

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The Board accepted his qualifications.

Ms. Hubbard questioned Ms. Louis: When did you purchase this property?

Ms. Louis stated: Fred and I bought the property in 2016 from my parents. My parents bought the property in the 80s. It was a three-family at the time and they didn't really realize it because there were only two tenants in the property with the other unit not being utilized. They maintained it with two tenants in there over the decades. In the late 90s I started getting involved in helping them out here and there to screen tenants, hire contractors, collect rent, things like that. So I guess you could say that's kind of how I felt like it was a natural progression when they were ready to sell their property that I decided I wanted to be the next owner along with my partner Fred.

Ms. Hubbard questioned: Through the years, what was the accessory structure used for?

Ms. Louis stated: My parents always wanted to make another unit but they began using it as storage for some of the tenants who expressed interest at times over the course of the different tenants through the history of almost 30 years. That's basically what it became used for. They did maintain it and they put significant money into that building at one point because it needed a roof and they poured a floor into it because it was actually a commercial building at one time. It was a bakery many years ago. I guess you could say they just never took it to the next level. So they maintained it, they put money into it with a new roof and they poured a floor into it, put windows and doors in but they never really did anything on the inside. The oven from the bakery is still in there.

Ms. Hubbard questioned: What are you proposing to do?

Ms. Louis stated: It would make a great rental because it's an extremely solid building. It's a standalone building. It's not attached or adjoining to the main building and there's a significant amount of space between the two structures. As Fred and I became owners we started discussing what we could really do with the building as opposed to leaving it as storage.

Ms. Hubbard questioned Ms. Louis further regarding the units.

Ms. Louis stated: The accessory structure would make a great two-bedroom. In the main building there were two long term tenants for just more than a decade. One of the tenants went into Barnhill. Fred and I discussed the fact that now would be a good time to split the three bedroom unit into two separate one bedrooms because it has ample space.

Ms. Hubbard questioned: Is there a basement?

Ms. Louis stated: Yes. There is a basement. It is one room with furnaces and laundry and storage.

Ms. Hubbard questioned: Will the garage remain the same?

Ms. Louis stated: Yes. It will remain a 3-car garage.

Ms. Hubbard introduced Mr. Stewart and prompted him to describe the plans.

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Mr. Stewart referenced the plans he created and gave an overview of the application: This is sheet 1 revised 12/23/20. We are at 137 Mill Street. West of us are ball fields for Sussex County Community College; north of us is a four-family dwelling; further north are residential dwellings; east of us is a wooded area that is part of the Kohl's property; south of us is the Project Self Sufficiency (PSS) property. You can see their parking lot and buildings. Our site is rectangular in shape and about 15,000 square feet or 0.339 acres. To the north side, is the accessory structure which was a former bakery. It is a masonry building. To the south is a two-family home that has a first floor apartment, a 2nd floor apartment, and a basement. In the back of the home is a three bay garage. What we are proposing is to convert this masonry building to a 2 bedroom unit. Currently it is used as a storage facility. In the two-family dwelling we are proposing to convert the first floor which is an existing three-bedroom to two one-bedroom units. The second floor is going to remain a two-bedroom unit. And the garage is going to remain the same. As far as accessing the site, we have a northerly driveway. You can see the curb cut here which provides access between the buildings. Off the roadway is a paved area that goes into a gravel area between the two buildings where there is enough room for cars to turn around as well as park. The southerly driveway is a second access. It turns to gravel from the paved area. It is mainly gravel in the parking area accessing the garage area. The garage has three parking bays with three parking stalls in front. In front of the building is another parking stall that is utilized by the tenants upstairs. They park within the turnaround but we will restrict that once we have the new units.

Mr. Le Frois questioned: Is the masonry wall and fence on the southerly property line yours or Project Self Sufficiency's?

Mr. Stewart stated: The wall was constructed by the owner of our property about 80 years ago and is holding up our driveway. The fence is Project Self Sufficiency's and it has been there for about 15 to 20 years. I have communicated with the Executive Director at PSS and have come up with a proposed easement we are trying to pursue with them. I spoke with her three weeks ago and she was going to put it before her Board for approval for us to utilize the driveway and the wall over the boundary line.

Mr. Stewart continued: As far as exterior work, the only exterior work we are proposing is the removal of this vestibule which is an access into the basement. We are going to move it in the back of the building. Regarding parking, we have 9 parking spots available on this site. According to your ordinance, 6 spaces are required. Regarding utilities, they enter off of Mill Street. Water & sewer feeds into the two-family home and travels through to the accessory building. There is a four-inch sewer line and likely a ¾ inch water line, but we will check on it. Water line might need upgrading. We will do so if needed.

Ms. Hubbard questioned: As far as the garage and tandem parking, will that be assigned?

Mr. Stewart stated: Yes. The three-bay garage will have a bay and one space assigned to each unit in this building. For the masonry building, these two stalls will go with that.

Ms. Hubbard questioned: How are the units accessed from the outside?

Mr. Stewart stated: Currently, the upstairs unit's access point is this porch area that leads to an enclosed porch which acts as a foyer. Then there is an interior door that goes upstairs to the 2nd floor unit. Then there is another interior door that gives access to the 1st floor unit. The 1st floor

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unit has a secondary access point off the deck. As far as the accessory structure, there are two doors. One will likely be removed.

Ms. Hubbard questioned: Please describe the concrete sidewalk and any landscaping.

Mr. Stewart stated: Most of the property is lawn area. Around that it is wooded with trees. Our neighboring property has parking in the rear. Beyond the fence at PSS is a natural buffer. That is a 6' stockade fence, I had it mislabeled. That continues on through the PSS property. What we are proposing, as recommended by your professionals, are bushes along the front of the building to break it up and a couple of bushes along the side. We don't have much room across the front which is why we are just doing bushes. Also, during the Technical Review meeting the professionals recommended that we provide a concrete sidewalk which we agreed to do. This will require us to go through the County for a road opening permit.

Ms. Hubbard questioned the lighting.

Mr. Stewart stated: We will have traditional residential lighting; a fixture above the door. That's what we have now. We may put a motion light across the back of the building.

Ms. Hubbard questioned the bulk variances.

Mr. Stewart stated: The side yard setbacks are 3.6' for the northerly building and 8.3' at the main building where 10' minimum is required. The accessory building side yard setback is 1.1' where 5' minimum is required. These are existing non-conforming conditions and are not caused or increased by the proposed plan.

Ms. Hubbard questioned: What about fire suppression? Are you proposing sprinklers?

Mr. Stewart stated: Not sure what is required yet, but we will abide by the code and install whatever is needed.

Ms. Hubbard questioned: How is refuse handled? Is there residential pickup?

Mr. Stewart stated: Yes. There is residential pick-up. The tenants with garages will put it in there and we will create a small enclosure on a concrete pad to the rear of the building for the tenants in the accessory structure.

Mr. Le Frois questioned: Does the ancillary structure to the north have an air conditioning unit outside?

Mr. Stewart stated: Right now there is no furnace or air conditioning. We will install a furnace and are not sure about air conditioning yet.

Mr. Le Frois questioned: How about a generator?

Mr. Stewart stated: No plans to.

Mr. Le Frois questioned: Does the ancillary structure have its own electrical feed?

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Mr. Stewart stated: There was but it has been removed. We propose a separate service in an underground line from the 2-family.

Ms. Hubbard questioned: Are the existing units individually metered?

Mr. Stewart stated: Yes. All utilities are separate meters.

Portion opened to public. No public stepping forward. Portion closed.

Ms. Hubbard prompted Kenneth Fox to give his planning perspective of the area and why it meets the case for special reasons.

Mr. Fox stated: This property meets the particular case for special reasons and we meet the purposes of the MLUL. This is a Special District 3, Retail Manufacturing Zone. The zone goes from Mill Street southeast passed Route 94; directly behind is Kohl's and Home Depot, retail and big box stores. On Mill Street there is a unique section of residential houses which we are a part of. There is a row of single and multi-family houses. Across the street is the college property. Permitted in the zone are large scale retail stores, hotels, and drive-through retail. Single family and multi-family residences are not permitted in the zone. That is why we are here for a use variance. There is no way to develop our very small parcel into a conforming use. It is already a multi-family use and we are looking to add to the existing condition. We are not adding structures. We are taking existing structures and adding units. Three-bedroom units invite children and Mill Street is not conducive to children due to the traffic. Smaller occupancy means smaller ingress and egress amounts. It is particularly suited for multi-family. I looked at the Master Plan. It talks about the ability to encourage housing that is affordable in the Town of Newton. These are lower priced units; not luxury. The Master Plan also talks about balancing the market rate in the neighborhood. This property balances and blends in. We have to show there is no negative impact on the neighborhood. There are already multi-family units. There is sufficient parking here.

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

Mr. Simmons referenced his report dated January 11, 2021 and stated: What they are proposing will not increase any deficiencies. An easement is needed to maintain existing traffic flow. Applicant will be responsible for taking care of the wall. Regarding the existing cemetery on the Kohl's site, when we had the site plan for Kohl's it was delineated on the site plan. There is access across the Kohl's site to allow for access. Did Mr. Stewart find any access requirements through their property?

Mr. Stewart stated: No.

Mr. Simmons continued: They have enough parking according to the ordinance. I agree with having tandem parking with the garage bays. I would point out that Section 120-13.C, calls for parking placement in the third layer. Space 7 is in the second layer and space 9 is in the first and second layer. So I think there is some relief needed with that. In regards to stormwater management they are adding the sidewalk but not changing the impervious coverage significantly so that shouldn't be an issue. With regards to the utilities, that is a function of their meeting with the Town Construction Official to see if they are going to require a fire line and the number of fixture units. After verifying the service line for the domestic units, if it is determined that it needs to be upgraded then it will have to be. They would have to go to the Utility

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Advisory Board to get approval and pay for the upgrade connection fees. This would be the same thing with the sanitary sewer line. The 4" lateral is probably ok but they should touch base with the Construction Official. I would recommend that as a condition of approval. In regards to the lighting, a motion detector over the garage area is a good idea. This will keep the lighting to a minimum as far as the neighbors go but will also provide a safe area for tenants to reach their dwelling. They talked about the landscaping. We talked about the sprinklers. There is no EIS required because there is no septic system. I listed the approvals I think should be required. Because of the easement I recommend an as-built be provided.

Ms. Caldwell referenced her report dated January 15, 2021 and stated: I noted the four residential units proposed on the site in the SD-3 Zone. Residential uses are not permitted. We passed an ordinance in 2018 that allowed existing one and two family residences as pre-existing non-conforming uses. This application is expanding on that so it has triggered a d1 use variance. There is some contemplation in this zone, particularly on Mill Street, for residential. I noted there are pre-existing non-conformities; the two side yard setbacks and the setback for the accessory garage. In regards to parking, they are in excess. However, they have a few stacked layers. So that is not really a concern. They have one in the front yard and one in the second layer. So they do require some relief for that. In regards to landscaping, I recommend they provide a two year maintenance guarantee for any landscaping on the site. The front yard buffering is the shrubs and will buffer some of the lighting from the cars. The sidewalks were recommended and have been proposed. Mr. Fox addressed the d1 variance criteria.

Mr. Le Frois questioned: Can you please elaborate on the positive and negative criteria that Mr. Fox presented?

Ms. Caldwell stated: On the positive side he mentioned the site's suitability. Given that they are utilizing the existing structures I would agree that the site is suitable. I would say, one question that would come into my mind when converting a two-unit structure to a three-unit structure is how large will the units be. He mentioned that there is a three-bedroom unit, and most are one or two bedroom. He mentioned purpose G and E in terms of providing additional housing. He mentioned affordable housing which I understand. These types of rental units may be workforce housing. It's not luxury. Although it's not deed restricted it can still somewhat fall into that category. In terms of the negative criteria, I didn't hear a lot on that. But we do have a four-unit residential structure to the north of that and south of it is PSS which is well buffered with higher usage. I don't see a conflict because of the buffer. I don't see a substantial impact. Because of the SD-3 Mr. Fox may want to mention the Master Plan.

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

Ms. Leo summarized a motion for site plan approval with D variance relief and three bulk variances. The three bulk variances are for side yard setbacks of 3.6' and 8.3' where 10' are required; accessory structure setback of 1.1' where 5' are required, and parking in the 1st and 2nd layers where 3rd layer is required. The use variance is due to the addition of apartments. The conditions are: determine the Project Self Sufficiency easement and maintaining the wall contingent on Board Engineer and Board Attorney approval, upgrade to the waterline and sewer lateral as required, trash building to be placed behind the northern building for trash removal, County approved sidewalks be installed, parking bay and outside spaces be designated for each apartment building, and an as-built to be submitted to include the easement, vestibule, and other placements by the applicant. No parking in the turn-around area in front of the buildings. And all other regular conditions apply.

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Mr. Marion made a motion to approve the application. Mr. Flaherty seconded it.

Aye: Mr. Flaherty, Mr. Marion, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Russo, Mrs. Le Frois, Mr. Le Frois

Motion carried.

Mayor Dickson and Deputy Mayor Schlaffer rejoined the meeting at 8:20pm.

Ordinance 2021-2, "An Ordinance to Amend, Revise, and Supplement Chapter 258 titled, "Stormwater Control"

Mr. Simmons gave an overview of the new Ordinance #2021-2 regarding Stormwater Control.

A motion was made by Mr. Russo and seconded by Mr. Marion to find the Ordinance 2021-2, "An Ordinance to Amend, Revise, and Supplement Chapter 258 titled, "Stormwater Control" of the Town of Newton Code is not inconsistent with the Master Plan. The Board has no further recommendations.

Aye: Mr. Flaherty, Mr. Marion, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Dickson, Mr. Schlaffer, Mr. Russo, Mrs. Le Frois, Mr. Le Frois

Motion carried.

COURTESY REVIEW

Dennis Library Association (#PB-2-2021)

101 Main Street

Block 14.03, Lot 1 & 19

The Applicant is giving a presentation on an addition to the existing rearmost portion of the Dennis Library

Ms. Leo described the courtesy review process for the Board.

Diane Hickey, Esq. from Riker, Danzig, Scherer represented the applicant.

Sworn in:

Will Porter - Director of Sussex County Library

Edward Arcari - Architect from Arcari & Iovino; gave his qualifications; Board accepted his qualifications.

Joseph Biuso – Facilities Management Director, County of Sussex

Mr. Porter gave an overview of the proposed project. He has been Director of the Sussex County Library System since 2017. He was the Branch Manager for Dennis Library from 2006-2012. The original section of the building was built in 1930. It has been owned by Newton Library Association since 1968. The County owns the building. It is a unique location. It serves over

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20,000 residents of Newton, Green, Fredon, Byram, Branchville, and others. The existing building is small, under 6,000 square feet. They received a grant to enlarge it. The proposed three (3) story addition will be to the rearmost portion of the building along the Elm Street side. The project is to include interior renovations to the existing structure, such as removing barriers to access, including ADA compliance, improving life safety with proper fire rated egress stairs, and enhance the interior air quality with new HVAC systems all while preserving the building's historic features. There will be a large meeting room added, more computers, more book shelves, and more staff. The interior renovations also include cosmetic upgrades to the large front room along Main Street and the upper floor office support space just above. The new façade along Elm Street will incorporate a large window wall surrounded by cast stone to be consistent with the historic character of the district and the original street front building.

Ms. Hickey introduced Ed Arcari, Architect, Arcari & Iovino Architects, PC

Mr. Arcari gave an overview of the application. It will include ADA access; 90% of the building will be accessible. He discussed the proposed number of stories, with the lowest being at parking level. He discussed the layout of the proposed interior; the exterior addition is meant to be differentially different from the existing. We are trying to be quiet with it by not imitating the original building. The proposed external building material will be cast stone, not brick. The roofline will be designed to hide HVAC equipment from the surrounding residents on Elm Street.

Mr. Le Frois questioned: What will happen to the existing parking?

Mr. Arcari stated: It will be replaced. The new one will have proper drainage. We will make sure all parking requirements are met. Mr. Biuso gave overview of parking. The current lot is small and not completely paved. It is not striped. Ten to twelve vehicles can fit in that lot. We are looking to increase from 10 to 12 spots to 18 parking stalls underneath the building and requesting 8 additional spots from the Parking Authority. Library business hours are 9:00am to 9:00pm. There are a lot of walk ups because it is a community walk up type use. We will work with a civil engineer to make sure we are in compliance with fire suppression as well as restrooms.

Ms. Hickey introduced Joe Biuso, Facilities Director, Facilities Management Division, Sussex County.

Mr. Biuso stated: Arcari & Iovino are specialists in the library field and they took the lead on this grant. This will be a \$7 million investment into this site. This will be great for the Town of Newton. We were careful to address the items in the Engineer's report regarding stormwater sizing, water, sidewalks, and lighting for the streetscape. We are sensitive to the neighbors. We spoke with the Town Manager about allocated parking on Elm Street only during library hours. We want to be good neighbors. Most of the work is focused on the interior of the building and the addition at the rear. Mr. Porter touched on the community room. Persons can enter and exit after hours. However, they are not able to use the elevator after library hours. Good for non-profit workshops.

Mr. Biuso discussed the elevator and stated: We are very early on in design documents. We have a Mechanical Electrical Plan. Per the Historic Commission we will ensure the elevator is large enough to accommodate a stretcher and follow up on the crosswalk comment.

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Mrs. Le Frois questioned: At the February 4, 2021 meeting of the Parking Authority a presentation was given on this expansion. The County Commissioner is very excited.

Mr. Simmons referenced his report dated February 11, 2021 and stated: They should contact the Water Department to arrange for a flow test.

Ms. Caldwell referenced her report dated February 11, 2021 and discussed consistency to Master Plan. She finds it to be not inconsistent with the Master Plan.

Portion opened to the public.

1st public: Peg Baldini, 10 Barry Lane, Newton. She is concerned with the look of the rendering. She feels it looks to industrial and not like the existing building.

Mr. Arcari stated: The intention is not to mimic the historic section of the building.

Mr. Marion stated: I think this is a great project. It looks like a large white façade on Elm Street. Can this be toned down? Maybe with a large window?

Mr. Porter stated: It will be gray stone.

Mr. Arcari stated: We will take everyone's comments under consideration. We have a long way to go to finalize the design.

Mr. Porter mentioned some of the uses for the library meeting room will be functions such as child programs, book sales, and Scout meetings to name a few.

No more public stepping forward. Portion closed.

Mr. Marion made a motion to find the application not inconsistent with the Master Plan. Mrs. Hall-Romer seconded the motion.

Aye: Mr. Flaherty, Mr. Marion, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Dickson, Mr. Schlafter, Mr. Russo, Mr. Wink, Mrs. Le Frois, Mr. Le Frois

Motion carried

CORRESPONDENCE

The New Jersey Planner, November/December 2020, Vol. 81, No. 6

EXECUTIVE SESSION

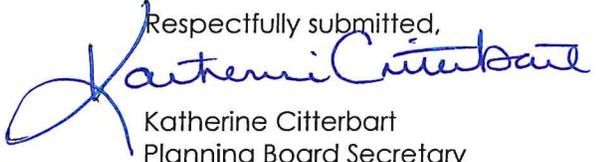
None.

PUBLIC PORTION

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

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Mr. Marion made a motion to adjourn the meeting. Motion seconded by Mrs. Vrahnos. The meeting was adjourned at 9:43pm with a unanimous "aye" vote. The next meeting will be held on March 17, 2021 via ZOOM.

Respectfully submitted,

Katherine Citterbart
Planning Board Secretary