

September 22, 2021

The regular meeting of the Newton Planning Board was held at the town hall on September 22, 2021. Chairman LeFrois called the meeting to order at 7:03 pm. Chairman LeFrois stated that proper notice had been given for this meeting in accordance with the "Open Public Meetings Act."

Chairman LeFrois led the Salute to the flag.

ROLL CALL

Mr. Flaherty – present	Mayor Dickson - present
Mr. Marion – present	Mr. Schlaffer – present
Mr. Wink – present	Ms. Vrahnos – present
Mr. Ragsdale – present	Mr. Schick – present
Mr. LeFrois – present	Ms. LeFrois – present
Ms. Hall-Romer – absent	Mr. Ricciardo – absent
Mr. Russo – absent	

Professionals present

Thomas Molica, Board attorney – present	David Simmons, Board Engineer - present
Allison Cupskow, Board Planner – present	Kerry Brown, Board Secretary – present

MINUTES

July 21, 2021

Mr. Marion made a motion to approve the July 21, 2021 minutes. Mr. Flaherty seconded the motion.

AYE: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mr. Dickson, Mr. Schlaffer, Mr. Ragsdale, Mrs. Le Frois, Mr. Le Frois

Minutes were approved on majority voice vote.

HISTORIC RESOLUTIONS

There were no historic preservation resolutions at this time.

RESOLUTIONS

Emerger Property Group PB-5-2021

185 Spring Street Block: 8.04, Lot: 6

Mr. Marion made a motion to approve the resolution. Ms. Vrahnos seconded the motion.

AYE: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mr. Dickson, Mr. Schlaffer, Mr. Ragsdale, Mrs. Le Frois, Mr. Le Frois

Resolution approved.

OLD BUSINESS

There was no old business discussed.

Mr. LeFrois stated that the Newton Agriculture Application will be carried to October 20, 2021 meeting with no further notice.

NEW BUSINESS

Newton Christian Reformed Church PB-7-2021

23 Thompson Street Block: 7.03, Lot: 1

Amended site plan, bulk variance application, and design waivers to modify existing signage to LED and replace existing steeple with proposed cross.

Mr. Frank McGovern Esq. of McGovern and Roseman P.A. attorney for the applicant.

Mr. Andrew Billing Vice President of the Newton Reformed Church representing the Church

Mr. McGovern stated that the applicant is seeking to amend a prior approval received in 2019 to install a led sign and to install a steeple. The applicant was advised at TRC that the steeple is permitted and would not need site plan approval to apply for the permit. Mr. McGovern requested that even though it is not required, he would like the steeple to be part of the application. Mr. McGovern informed the Board that his client is seeking permission to modify the existing sign. It was an approved free standing sign 40 square feet, 3' X 5' upper portion, with the name of the Church, and a lower portion of 5' x 5'. Mr. McGovern stated the applicant would like to use LED lighting.

Sworn in: Andrew Billing, Real Estate Developer and Vice President of Newton Covenant Reformed Church

Mr. Billing testified that when the application was made in 2018 the pricing for LED message boards were much higher than they are now. Mr. Billings stated that the church would like to have the ability to change the message on the sign for sermon topics, scripture readings, or special events. Mr. Billing stated that it would not be changed frequently nor would it be flashing all the time. He stated that the Church would comply with all the requirements the town has.

Mr. McGovern Introduced Exhibit A, which he stated was included in application package.

Mr. Billing testified that the top part is the name of the Church and that would be static, the yellowish part that is 5' X 5' is the section that would be the message board. He stated that the sign will be lit on both sides. Mr. Billing also testified that the lighting of the sign will not be facing any houses or structures.

Mr. McGovern stated the products that Signarama will be using and the specifications are detailed in Exhibits D and E in the application package.

Mr. Molica stated for the record that the Board would not be marking any of the exhibits considering they are part of the filed site plan application.

Mr. Billing stated the Church fully intends to comply with those maximum requirements. Mr. Billing also testified that the Church plans on changing the message board once a week. Mr. Billing also stated that there might be a special event, but that it won't get anywhere near once every 15 seconds like in the Ordinance. Mr. Billing informed the Board that the location would

not be changed and would be in the same location as previously approved. Mr. Billing stated that the County needed to make sure it was outside the site triangle from the driveway and that location was approved by the County.

Mr. McGovern stated that the specification for the steeple was provided in the application package, Exhibit B, and approximate location of where it will be installed is on Exhibit S.

Mr. McGovern introduced and distributed a new exhibit, Exhibit G, which is a colored specification and plan. Mr. McGovern described the location of where the steeple is to be installed with a cross on top totaling a height from the peak of the roof to the top of the steeple as 42 feet, 2 inches.

There was a brief discussion regarding the permitting of the steeple. Mr. McGovern reiterated that the Building Permit is not in hand and states the Mr. Billing has been told that it has been issued.

Mr. Simmons reviewed his report dated September 15, 2021, In regards to the signage, everything is conforming, the nits during the day and night are within the parameters of the Town Ordinance and clarified that there will be no videos. Mr. Simmons stated that the steeple was permitted. Mr. Simmons requested that the applicant provide a as built of the finished project.

There was a brief discussion regarding the requirement to submit to the Sussex County Planning Board. Mr. McGovern stated that they were informed that they would be able to seek a waiver from the County.

Ms. Cupskow reviewed the Ms. Caldwell's report dated September 23, 2021. Ms. Cupskow stated that the application meets all zoning requirements and no that the proposed project does not seek to change any previously approved setbacks. Ms. Cupskow stated that the main concern with the application was the amount of nits during the day and night, which she stated that the applicant has addressed and is no longer a concern.

Application opened to the public. No one from the public was present. Public portion closed.

Mr. Molica crafted a motion to grant amended site plan approval and bulk variance approval to the extent that there are some pre-existing, non-conforming conditions that the Board should reapprove as variances. Mr. Molica stated that this is for the installation of the electronic signage and the steeple structure with the conditions that the Applicant will provide a copy of the building permit that has been issued for both the steeple and the electronic sign when available.

Mr. McGovern stated that the applicant agrees to comply with all applicable Ordinances for the property including and not limited to the electronic signage ordinance. He also stated that the applicant has agreed per Mr. Simmons' request to provide a copy of the as built drawing when available, as well as comply with the report of Mr. Simmons and the report of the Board's Planner Ms. Caldwell.

Mr. Molica stated that the applicant will have to obtain any and all other required governmental approvals for the application and provide proof of same as well as all other basic standard conditions of approval.

Mr. McGovern informed the Board that the applicant has agreed to comply with the limitation of no videos depicted in the electronic signage.

Mr. Flaherty made a motion to approve the application as outlined by Mr. Molica. Mr. Marion seconded the motion.

AYE: Mr. Flaherty, Mr. Marion. Mr. Wink, Mrs. Vrahnos, Mr. Dickson, Mr. Schlaffer, Mr. Ragsdale, Mr. Schick, Mrs. Le Frois, Mr. Le Frois

Application approved.

CORRESPONDENCE

Mr. Molica presented Ordinance 2021-13 Ordinance to Amend, Revise, and Supplement Ordinance No. 2021- 12, "An Ordinance Amending, Revising, and Supplementing Sections 320-2C "Permitted Uses", 320-3 "Definitions" and 320-28 "Conditional Uses" of the Zoning Code of the Town of Newton of Newton to Regulate the Cultivation, Processing, Sales, and Distribution of Legal Cannabis within the Town of Newton".

Chairman LeFrois stated that the New Jersey Planner was included in the packets.

PUBLIC PORTION

Chairman LeFrois opened to the public. At this time no one from the public came forward. Public portion of the meeting was closed.

EXECUTIVE SESSION

Chairman LeFrois stated that there were no items scheduled for executive session.

Mr. Simmons provided an update on Samaritan Inn. Mr. Simmons stated that the applicant's attorney gave permission to speak with Dawn Metzger directly. Ms. Metzger provided a copy of her neighbor's survey that does not depict the encroachment they thought was existing. Mr. Simmons stated that the concerns regarding the concrete pad and potential encroachment to be a moot point. Mr. Simmons stated that the concrete pad should be left intact at this point.

Motion to adjourn the meeting was made by Mr. Marion and seconded by Ms. Vrahnos. All in favor. The meeting was adjourned at 7:32 p.m.

Respectfully submitted,
Kerry Brown
Planning Board Secretary