

## **JANUARY 19, 2022**

The reorganization and the regular meeting of the Newton Planning Board was held in person at Town Hall and via the web base platform Zoom on January 19, 2022. Chairman LeFrois called the meeting to order at 7:05 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 via Zoom

Mr. Wink – present

Ms. Hall-Romer – absent

Mayor Schlaffer - present

Ms. Le Frois - present

Mr. Schick – absent

Mr. Marion – present

Ms. Vrahnos – present via Zoom

Deputy Mayor Teets - present

Mr. Russo, Jr. - present

Mr. Ragsdale – absent

Mr. Le Frois - present

Also present: Richard Briigliodoro (filing in for Board Attorney Glenn Kienz), Alison Kopsco (filing in for Jessica Caldwell Board Planner), David Simmons, Board Engineer and Kerry Brown, Board Secretary

### **OATHS OF OFFICE**

Mr. Briigliodoro sworn in the following members:

Gregory A. Le Frois

George Wink

John Ragsdale

Gary Marion

Thomas Russo, Jr. – Class II

Mayor Jason J Schlaffer – Class I

Deputy Mayor Michelle J Teets – Class III

### **AFFIRMATION OF TESTIMONY FOR CALENDAR YEAR 2022**

Mr. Briigliodoro sworn in the following professionals for the calendar year 2022:

David Simmons, Board Engineer and Alison Kopsco (filing in for Jessica Caldwell Board Planner).

### **2022 REORGANIZATION**

Mr. LeFrois stepped down as the Chairman. Vice Chairman Marion requested nominations for the Chairman.

Mr. Russo made a motion to elect Greg LeFrois as the Chairman of the Planning Board for calendar year 2022. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

Mr. Russo made a motion to elect Gary Marion as the Vice-Chairman of the Planning Board for calendar year 2022. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

Mr. Russo made a motion to elect Kerry Brown as the Secretary of the Planning Board for calendar year 2022. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

## **2022 PROFESSIONAL APPOINTMENTS**

### Appointment of Board Attorney

Mr. Russo made a motion to appoint Glenn Kienz as the Planning Board Attorney. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

### Appointment of Conflict Board Attorney

Mr. Russo made a motion to appoint James Bryce as the Planning Board Conflict Attorney. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

### Appointment of Board Engineer

Mr. Russo made a motion to appoint David Simmons as the Planning Board Engineer. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

### Appointment of Conflict Engineer

Mr. Russo made a motion to appoint Paul Ferriero as the Planning Board Conflict Engineer. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

### Appointment of Board Planner

Mr. Russo made a motion to appoint Jessica Caldwell as the Planning Board Planner. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

### Appointment of Conflict Board Planner

Mr. Russo made a motion to appoint Annie Hindenlang as the Planning Board Conflict Planner. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

#### Designation of Official Newspapers of Record

Mr. Russo made a motion to designate the New Jersey Herald as the official newspaper and designate New Jersey Star Ledger as the secondary newspaper. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

#### 2022 Technical Review Committee Appointment

Mr. Russo made a motion to designate the following members to the Technical Review Committee, Chairman LeFrois, Board Attorney Glenn Kienz, Board Planner Jessica Caldwell, Board Engineer David Simmons, Planning Board member Barbara Vrahnos as the alternate member. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

#### 2022 & January 2023 Meeting Dates

Mr. Russo made a motion to adopt the 2022 meeting date schedule as presented. Mayor Schlaffer seconded the motion.

AYE: Mr. Russo, Mayor Schlaffer, Mr. Flaherty, Mr. Marion, Mr. Wink, Ms. Vrahnos, Deputy Mayor Teets, Ms. LeFrois, Mr. LeFrois

#### **MINUTES**

Mr. Russo made a motion to adopt the October 20, 2021 minutes as presented. Mr. Marion seconded the motion.

AYE: Mr. Russo, Mr. Marion, Mr. Wink, Ms. Vrahnos, Ms. LeFrois, Mr. LeFrois

#### **HISTORIC RESOLUTIONS**

No Historic Resolutions were presented.

#### **RESOLUTIONS**

##### **ABOVE GRID SOLAR CARPORT 2020 LLC PB-8-2021**

175 High Street, Block 1.01, Lots 3,4, and 5 Zoning District SD-1 Hospital District  
Site Plan application to install solar carports

Mr. Russo made a motion to approve the resolution. Mr. Marion seconded the motion.

AYE: Mr. Russo, Mr. Marion, Mr. Wink, Ms. LeFrois, Ms. Vrahnos, Mr. LeFrois

##### **AHS INVESTMENT CORP PB-9-2021**

181 High Street, Block 1.01, Lot 17, Zoning District SD-1 Hospital District  
Minor Site Plan application to install 3 new signs: two new façade signs, a directional sign, and a free standing grounded mounted sign.

Mr. Russo made a motion to approve the resolution with a change of application number on the resolution. Mr. Marion seconded the motion.

AYE: Mr. Russo, Mr. Marion, Mr. Wink, Ms. LeFrois, Ms. Vrahnos, Mr. LeFrois

### **OLD BUSINESS**

No old business at this time.

### **NEW BUSINESS**

#### **ANDREA VACCARIELLO PB-1-2022**

26 Church Street Block 7.05, Lot 12

Appeal of the Zoning Officer's decision of denial of fence.

Mr. Briigliodoro sworn in Mr. Vaccariello and Mr. Lamboy.

Mr. Vaccariello testified that he owns and lives at 26 Church Street, which is an old historic home that was formerly a two-family dwelling. Mr. Vaccariello testified that they are restoring the house and converting it from a two-family to a one-family house. Mr. Vaccariello stated that he had filed a zoning application to erect a 6 ft fence in the rear of his parking lot. Mr. Vaccariello stated that his zoning application was denied. Mr. Vaccariello stated that he is appealing the Zoning Officer, Kerry Brown's decision.

Mr. Vaccariello also testified that the backyard of his property has become a municipal parking lot. He stated that two (2) neighbors have an Easement which permits those neighbors to park there, however, other neighbors park there without any legal authority. Mr. Vaccariello stated that the only Easement on his property is for another neighbor at 68 High Street which property is designated as Lot 16 on the Tax Assessment Map of the Town of Newton. A second neighbor located at 28 Church Street which property is designated as Lot 13 similarly has Easement rights on Mr. Vaccariello's property. Mr. Vaccariello also testified that his neighbor at 64 High Street which is Lot 14 does not have any right-of-way through the back of Mr. Vaccariello's property. The property owner at 64 High Street (Lot 14) has access to their own property through the front off of High Street. Mr. Vaccariello testified that his attorney sent a cease-and-desist letter to the owner of 64 High Street (Lot 14) in order to stop the practice of vehicles associated with 64 High Street from parking on Mr. Vaccariello's property. Mr. Vaccariello represented that since his attorney sent the cease-and-desist letter, the owner of 64 High Street no longer parks vehicles on his lot.

Mr. Vaccariello stated that there is a section on the property line between his lot and the neighbor at 64 High Street (Lot 14) that indicates that there is a wire fence. Mr. Vaccariello testified that it is in this area that he seeks to install a 6 ft tall and 20 ft long privacy fence in the area where the wire fence is indicated on the survey. Mr. Vaccariello also represented that this will not impede access for the property owner at 64 High Street to gain access to their property which access is derived from High Street.

Ms. Brown, the Town of Newton Zoning Officer, was sworn in and provided testimony. Ms. Brown testified that an application was filed with her office seeking to replace a fence along the common property line between the Applicant's property, 26 Church Street (Lot 12) and property at 64 High Street (Lot 14). In the past, the occupants of Lot 14 are alleged to have been parking their vehicles in the rear

of Lot 12 without lawful authority to do so. Ms. Brown testified that she had not been supplied with documents regarding the existence of Easements for these properties. As a result, she denied the application to install a fence along a portion of the common property line between 64 High Street and 26 Church Street.

Mr. Vaccariello introduced into evidence a survey (Exhibit A-1) and identified the survey was part of the application package. Mr. Vaccariello highlighted on the survey the area wherein he wishes to replace a wire fence with a 6 ft high and 20 ft long privacy fence.

There were several questions from Board members. It was determined that the Zoning Officer was not provided with all the information necessary by the Applicant in order to render an informed determination in regard to this matter. Mr. Vaccariello agreed on the record that the Zoning Officer has at all times acted in good faith in regard to the review of the application for development and in denying the application to install the fence due to the lack of providing recorded instruments which set forth the rights of neighboring properties for access and parking.

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

Mr. Flaherty made a motion to reverse the Zoning Officer's decision based on new information provided. Mr. Marion seconded the motion.

AYE: Mr. Flaherty, Mr. Marion, Mr. Wink, Mayor Schlaffer, Ms. Vrahnos, Deputy Mayor Teets, Mr. Russo, Ms. LeFrois, Mr. LeFrois

**SUSSEX REALTY INVESMENTS, LLC PB-11-2021**

122 Main Street Block 7.09, Lot 5

124 Main Street Block 7.09, Lot 3

Site plan and use variance application to convert existing residential apartments into 4 apartments (124 Main Street) and 5 residential apartments (122 Main Street).

Ms. Corbett-Rivelle, attorney for the applicant  
Douglas Shelley, managing member of Sussex Realty Investment  
Christopher Wolverton, Architect for the applicant

Mr. Briigliadoro sworn in Mr. Shelley and Mr. Wolverton.

Chairman LeFrois and Ms. LeFrois recused themselves from the application due to the proximity of their property.

Ms. Corbett-Rivelle provided the Board with a background of the existing property and a brief description of the proposed project. Ms. Corbett-Rivelle stated that the applicant has made an application for minor site plan approval to convert the existing residential apartments into five (5) apartments at 122 Main Street and four (4) apartments at 124 Main Street for property known as Block 7.09, Lot 5 and Block 7.09, Lot 3, as shown on the Tax Map of the Town of Newton, located at 122 Main Street and 124 Main Street, in the T-4 Neighborhood Services Zone.

Mr. Shelley stated that he is a managing member of Sussex Realty Investments, LLC. Mr. Shelley provided a brief overview of the project. Mr. Shelley testified that the property was originally designed for a single-family residential use but more recently the property has been used for commercial or office space. Mr. Shelley also represented that the property is located in the T-4 Neighborhood Services Zone which permits multifamily and office uses. Mr. Shelley testified that a total of nine (9) apartments are proposed with five (5) units being proposed at 122 Main Street and four (4) units proposed for 124 Main Street. Mr. Shelley further represented that the buildings at 122 Main Street and 124 Main Street are connected by a breezeway but function independently of one another. Mr. Shelley also testified that the Applicant is seeking approval for a total of nine (9) apartment units and that there are 29 parking spaces on site. Mr. Shelley stated that there is more than sufficient parking on site to accommodate both the proposed commercial use and residential use at this time as well as more than sufficient parking in the future once both buildings are converted to residential use. Mr. Shelley testified that the water supply lines for both domestic water and fire protection lines will be upgraded to comply with Code.

Mr. Wolverson reviewed with the Planning Board sheets A-1, A-2 and A-3 of the architect's plan set. Mr. Wolverson testified that he is very familiar with the building because his architectural firm HQW Architects, LLC had its offices here for over 30 years until they relocated to their present office in Sparta, New Jersey. Mr. Wolverson testified that the Applicant is proposing to convert 124 Main Street completely to residential apartments while proposing to convert units in 122 Main Street over time to residential apartments as Leases by office tenants are completed. The Applicant is proposing a total of nine (9) apartments with four (4) apartments to be located in the building at 124 Main Street and five (5) apartments to be located in the building at 122 Main Street. Mr. Wolverson provided a unit breakdown for each building. First, with respect to the building at 122 Main Street, five (5) units are proposed. The first floor will have two (2) 2-bedroom units, the second floor will have one (1) 1-bedroom unit and one (1) 2-bedroom unit and the third floor will have one (1) 2-bedroom unit. Thus five (5) apartment units are proposed for 122 Main Street. Second, in regard to the building at 124 Main Street, four (4) apartment units are proposed. The breakdown is one (1) 1-bedroom unit and one (1) 2-bedroom unit on the first floor, one (1) 2-bedroom unit on the second floor and one (1) 2-bedroom unit on the third floor. Mr. Wolverson represented that the 2-bedroom units would contain approximately 1,000 square feet of space each and the 1-bedroom apartments would contain approximately 600 square feet of space each.

Ms. Corbett-Rivielle reviewed Mr. Simmons and Ms. Caldwell's reports. It was determined that the applicant enclose the trash dumpster located at the westerly end of the parking lot. Further, the Board professionals requested that the Applicant restripe the parking spaces in the parking lot. Further, since 122 Main Street and 124 Main Street are connected by a breezeway and share a parking lot, the Board professionals recommend that the Applicant provide Cross-Easements to address access, parking and maintenance of the parking lot which shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicant agreed to provide larger domestic water service lines for both buildings as well as separate fire protection lines for both buildings inclusive of water meters on the fire lines. The Board determined that one (1) free-standing sign would be permitted to accommodate both the residential and commercial tenants for 122 Main and 124 Main Street. The single free-standing sign shall comply with the Zoning Ordinance requirements.

Vice-Chairman Marion opened to the public. At this time no one from the public came forward in person or via Zoom. Public portion of the meeting was closed.

Mr. Russo made a motion to approve the minor site plan application as presented. Ms. Vrahnos seconded the motion.

AYE: Mr. Russo, Ms. Vrahnos, Mr. Flaherty, Mr. Wink, Mayor Schlaffer, Ms. Vrahnos, Deputy Mayor Teets, Mr. Marion

Chairman LeFrois and Ms. LeFrois joined the meeting at the conclusion of voting on application PB-11-2021.

### **CORRESPONDENCE**

Chairman LeFrois listed all the correspondences in the packet:

2021 Zoning Summary – Kerry Brown

2021 Engineer's End-of-Year Report – David Simmons of Harold E. Pellow & Associates

2021 Historic Commission Project Report/Planning Report – Jessica Caldwell of J. Caldwell & Associates.

Resolution #10-2022- Appointment of Mayor as a Class I Member of the Newton Planning Board.

Resolution #11-2022 Appointment of Town Council Representation as a Class III Member to the Newton Planning Board

Resolution #24-2022 Appointment of Sandra Lee Diglio to Historic Preservation Commission

Resolution #37-2022 Reappointment of certain Boards & Commission Members

Resignation of Joseph Ricciardo

Mr. Russo made a motion to approve the correspondence matters as presented. Ms. Vrahnos seconded the motion.

AYE: Mr. Russo, Ms. Vrahnos, Mr. Flaherty, Mr. Wink, Mayor Schlaffer, Ms. Vrahnos, Deputy Mayor Teets, Mr. Marion, Ms. LeFrois, Mr. LeFrois.

### **PUBLIC PORTION**

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

### **EXECUTIVE SESSION**

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

Motion to adjourn the meeting was made by Mr. Russo and seconded by Mr. Marion. All in favor. The meeting was adjourned at 9:05 p.m.

Respectfully submitted,  
Kerry Brown  
Planning Board Secretary