

June 21, 2023

The regular meeting of the Newton Planning Board was held at the Town Hall and via the web base platform Zoom on June 21, 2023. 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

Deputy Mayor Couce - present

Ms. Hall-Romer – absent

Mr. Russo, Jr. – absent

Ms. Vrahnos – absent

Mr. Ragsdale, Alternate #1 - present

Jason Schlaffer, Alternate #3 – absent

Chairman Le Frois – present

Mr. Flaherty – present via Zoom

Mr. Marion – present

Mayor Teets – present

Mr. Wink – present via Zoom

Mr. Schick, Alternate #2 – absent

Also present: Steven Tombalakian, Board Attorney, Thomas Knutelsky, Board Engineer, Jessica Caldwell, Board Planner, Spach Trahan, Conflict Planner, and Kerry Brown, Board Secretary

RULES

Chairman LeFrois read the rules of the Newton Planning Board.

MINUTES

Mr. Marion made a motion to adopt the May 17, 2023 minutes. Mayor Teets seconded the motion.

AYE: Mr. Marion, Mayor Teets, Deputy Mayor Couce, Mr. Flaherty, Mr. Wink, Mr. Ragsdale, Chairman Le Frois.

HISTORIC RESOLUTIONS

Chairman Le Frois stepped down due to conflict.

Sussex Realty Investments, LLC PB-4-2023

122-124 Main Street Block 7.09, Lots 3 & 5, Zone T-4

Proposed constructing of four (4) apartments to existing apartment buildings and alterations to the existing buildings.

Mr. Flaherty made a motion to approve the resolution as presented. Mr. Ragsdale seconded the motion.

AYE: Mr. Flaherty, Mr. Ragsdale, Deputy Mayor Couce, Mr. Marion, Mayor Teets, Mr. Wink, Mr. Ragsdale.

Angel Pacheco

75 High Street, Block 4.03, Lot 10, Zone T-5

Exterior renovations and repairs: siding, roofing, windows, front porch, side door, and front door.

Mr. Flaherty made a motion to approve the resolution as presented. Mr. Ragsdale seconded the motion.

AYE: Mr. Flaherty, Mr. Ragsdale, Deputy Mayor Couce, Mr. Marion, Mayor Teets, Mr. Wink, Mr. Ragsdale.

OLD BUSINESS

Curiosity Cannabis, LLC PB-3-2023

70-72 Mill Street, Block 2.02, Lot 17, Zone T-4

Preliminary and Final Site Plan application for cannabis retail.

Mr. Tombalakian stated that the application was approved at the last meeting, May 17, 2023. Mr. Tombalakian stated that it came to the Board's attention that several members had tried to speak on the Zoom platform during the hearing and were not able to connect or had lost connection.

Mr. Tombalakian stated that they would only re-open to the members of the public who were not able to connect via Zoom. No one from the public came forward.

Approval stands.

NEW BUSINESS

Redevelopment Plan

125 Water Street & 5 South Park Drive, Block 10.01, Lots 5 & 6

Ms. Trahan stated that she is discussing the Redevelopment Plan prepared by Jessica Caldwell dated May 11, 2023, and will be provide a Master Plan Consistency Review. Ms. Trahan stated that the purpose is to do an overview of the contents and see if it is consistent with the Master Plan Goals and Objectives and to provide recommendations to the Governing Body. Ms. Trahan described the current site and improvements. Ms. Trahan informed the Board the goal is to redevelop the site, attract new retail stores as well as create new spaces for existing stores, add additional parking spaces and storm water management elements. Ms. Trahan also indicated that the plan would allow for subdivisions, for marketing and financial reasons.

There were a few questions from Board Members regarding on-site traffic flow. The Board would like the Governing Body to consider existing traffic in the area.

Blake Paino, 128 Main Street, Newton

Mr. Paino stated he had concerns regarding the existing traffic on Route 206 and how the new apartments will add congestion to the already failing infrastructure. Mr. Paino also had questions regarding the superfund and the current condition.

Mr. Marion made a motion to have the Planning Board issue a letter to the Mayor and Council that the redevelopment plan is consistent with the Master Plan with the 2 concerns of congestion of the corridor and technical subdivision for financing purposes. Mr. Ragsdale seconded the motion.

AYE: Deputy Mayor Couce, Mr. Flaherty, Mr. Marion, Mayor Teets, Mr. Wink, Mr. Ragsdale, and Chairman Le Frois.

Sussex Realty Investments, LLC PB-4-2023

122 Main Street Block 7.09, Lot 5

124 Main Street Block 7.09, Lot 3

Amended preliminary and final site plan and variance application to construct four (4) apartments.

Chairman Le Frois recused himself due to living within 200 feet of the property.

Mr. William Haggerty, Attorney for the applicant
Chris Wolverton, Architect
Donna Bullock, Engineer
Douglas Shelly, Member of Sussex Realty Investments

All the professionals were accepted.

Mr. Haggerty provided a background of the property and the previous approvals received. Mr. Haggerty explained his client is seeking approval of a two story 4 apartment addition located at 124 Main Street.

Ms. Bullock detailed the existing property and structures. Mr. Bullock detailed the parking layout of the site. Ms. Bullock also testified that the proposed addition would warrant storm water management improvements, which would be fitted underground with a recharge system designed for the 10-year flood. Ms. Bullock stated that one of the pole mounted lights will need to be removed and mounted on the side of the building. Ms. Bullock testified they will keep the existing lighting levels and that there will be no changes made to the intensity.

Ms. Bullock went over the existing conditions of the property. Ms. Bullock testified that 124 Main Street has a maximum front yard setback of 18 feet and existing is 34.3 feet. Ms. Bullock stated 122 Main Street has a maximum front yard setback of 18 feet and the existing front yard is 26.8 feet.

Ms. Bullock stated the property currently has 19 spaces with one space in the garage and 6 spaces in the lower-level area adjacent to Dunn Places. Ms. Bullock testified that some changes have been made to the dumpster area and is now located right behind the building abutting the adjacent property line.

Ms. Bullock stated that the applicant would work with the Board Engineer for a handicap parking spot, loading zone and an EV spot in rear parking area. Ms. Bullock testified the number of parking spaces will be reduced by two (2) in order to accommodate the handicap spot and the loading zone area. It was determined that there will be a total of 24 spaces overall.

Board Engineer Knutelsky asked if the lots were going to be merged and it was determined that the lots would stay separate with a recorded cross easement. Mr. Knutelsky also had questions regarding ADA compliance on the proposed new apartments. It was determined that would fall under the Construction office.

Vice-Chairman Marion opened the meeting to the public.

Ernest Phillips, 121 Main Street, Newton

Mr. Phillips had questions regarding the lighting and does not want lights shining into his house all night. Ms. Bullock stated that she was referring to the proposed lighting and further stated the proposed lighting will not increase at all and will be maintained at the current level.

Blake Paino, 128 Main Street, Newton

Mr. Paino had concerns regarding the existing lighting and thinks the current level is too much. Mr. Paino also stated that lights are left on all night.

Ms. Bullock stated that the current lights are on timers and will work with the owners to make sure that they are set properly and are working. Ms. Bullock also informed the Board that the foot candles on the property lines are to Town ordinance.

Mr. Paino also had concerns about water runoff from the property.

Ms. Bullock stated that the applicant is complying with the Storm Water Management Plan and will be addressing the issue as indicated during her testimony.

Mr. Paino also had concerns about people trying to leave the property and Dunn Place. Mr. Paino also stated that people are using his property as a short cut and construction workers are using his property.

Vice-Chairman Marion closed the public portion of the meeting.

Mr. Wolverton provided a background of the property and the surrounding area. Mr. Wolverton stated the property has a very steep slope and the proposed addition of four (4) apartments to the existing building at 124 Main Street would be level with the parking lot and make the property more attractive and easier to access.

Mr. Wolverton testified the apartments would be two (2) bedroom apartments roughly 900 square feet.

Mr. Wolverton detailed the layout of the apartments.

Mr. Wolverton also detailed the exterior elevations and proposed materials for the project.

Mr. Wolverton stated the dumpster has already been approved by Board Engineer. Mr. Wolverton

Vice-Chairman Marion had a question regarding the proposed light above the door of the new addition.

Mr. Wolverton stated they are proposing a downward facing light.

Mr. Wolverton described the fire protection for the addition to the Board members.

Vice-Chairman Marion opened the meeting to the public.

Blake Paino, 128 Main Street, Newton

Mr. Paino stated that there are no pallets on the top of his driveway. Mr. Paino stated the historic side of the building has already been changed along with other exterior fixtures.

Mr. Wolverton detailed the exterior renovations for the two buildings. Mr. Wolverton stated the Historic Preservation Commission has reviewed and approved the application for 122-124 Main Street.

Ernest Phillips, 121 Main Street, Newton

Mr. Phillips wanted to know the heating source and informed the Board he had an issue with the workers throwing bricks from the third floor.

Mr. Wolverton stated it would be electric heat.

Mr. Phillips wanted to know if any studies have taken place to ensure the existing electric infrastructure can handle the additional apartments.

Vice-Chairman Marion stated that the proposed project would not warrant a study on the existing electric infrastructure and does not come into play on this project.

Mr. Phillips stated this area of Main Street (Route 206) has been dug up at least three (3) times and they have not received any notices on work. Mr. Phillips wants to know if the road will be dug up anymore. Mr. Phillips has issues with the patch jobs.

Mr. Wolverton informed the Board that no more utility work will be required.

Mr. Paino, 128 Main Street, Newton

Mr. Paino had questions regarding the sewer lines. Mr. Paino stated that trucks speed down the road and ruin the manhole that he just had the Town replace.

Mr. Paino stated he has called the Town twice this year to flush the sewer lines because they're backing up. Mr. Paino also stated he has been informed that his house is the end of the sewer line and doesn't understand how more apartments can be added.

This portion of the public meeting was closed.

Mr. Knutelsky reviewed Board Engineer David Simmons' report dated June 15, 2023, in detail. Mr. Knutelsky stated the applicant has agreed to the conditions and is satisfied. Mr. Knutelsky informed the Board the applicant is providing more parking than what the Town ordinance requires and does not need any variances.

Mr. Knutelsky stated this project is not considered a major stormwater project and the proposed improvements are considered adequate. Mr. Knutelsky stated part of the approval requires dedicated storm water maintenance manual which would detail when it would be cleaned and inspected. Mr. Knutelsky stated the water and sewer connections would be reviewed by the Town's Utility Advisory Board. Mr. Knutelsky further stated that the Construction Department would review the electric connections and make sure that they are adequate for the project.

Mr. Knutelsky stated the landscaping/screening along 128 Main Street could be supplemented to reduce any noise or lighting from the parking lot. Mr. Knutelsky stated the signage appears to be the same as previously approved.

Ms. Caldwell-Dykstra stated the applicant received approval for 124 Main Street to convert the existing office building into nine (9) apartments in January 2022 and is now seeking to add four (4) additional apartments. Ms. Caldwell-Dykstra detailed the area and the zoning. Ms. Caldwell-Dykstra went over the bulk requirements and stated that no variances are being sought.

Ms. Caldwell-Dykstra stated the applicant is required to provide one (2) EV parking spot. Ms. Caldwell-Dykstra stated the Town's parking requirement for residential apartments is less than the State and the applicant is in compliance with the required parking spaces. Ms. Caldwell-Dykstra informed the Board the sign would remain.

Vice-Chairman Marion opened the meeting to the public.

Verity Fox, 115 Main Street, Newton

Ms. Fox had several concerns regarding the property. Ms. Fox stated she was surprised to see construction taking place and was not aware that the property was being converted into apartments. Ms. Fox stated she did not receive any notices. Ms. Fox wanted to know who was in charge of the Historic Preservation Commission. Ms. Fox stated she moved to Newton five (5) years ago. Ms. Fox stated headlights shine into her house and the traffic is already a disaster trying to leave Dunn Place. Ms. Fox stated the application should be denied and that it's derogatory.

Deborah Phillips, 121 Main Street, Newton

Ms. Phillips asked if anyone has been on Route 206 in the summer. Ms. Phillips has concerns regarding traffic on Dunn Place and will have a huge impact on the neighborhood.

Ernest Phillips, 121 Main Street, Newton

Mr. Phillips stated he has concerns regarding property values. Mr. Phillips stated there have been articles showing the values can go either way. Mr. Phillips stated the one article compared having an apartment building next to you as the same as having a strip club or a homeless shelter.

Lisa Holder, 63 Ryerson Avenue, Newton

Ms. Holder stated that the proposed project is an inappropriate alteration to the streetscape in this section of Main Street and does not feel that it is in keeping with the historic requirements.

Blake Paino, 128 Main Street, Newton

Mr. Paino wanted clarification if he should have received notice for the project that took place in January 2022.

It was determined the project was minor application under the Municipal Land Use Ordinance.

Mr. Paino feels that the project should have been a major site plan application.

Mr. Paino has concerns regarding the proposed lighting. Mr. Paino has stated he had issues with lead paint from 122-1224 Main Street and he had it tested, and the results came back positive for lead. Mr. Paino stated the entire site is contaminated.

Vice-Chairman Marion closed this portion of the meeting to the public.

Mr. Ragsdale made a motion to approve the application. Mayor Teets seconded the motion.

AYE: Mr. Ragsdale, Mayor Teets.

NAH: Deputy Mayor Couce, Mr. Flaherty, Mr. Wink, Mr. Marion

Application denied.

The Board took a five-minute break at this time.

Chairman Le Frois announced the meeting would resume. The time was 9:29.

Town of Newton

Master Plan Update Natural Resource Inventory Conservation Element Open Space and Recreation

Ms. Caldwell-Dykstra stated we have a combined document with different elements of the Master Plan and Natural Resource Inventory. Ms. Caldwell-Dykstra stated these parts of the Master Plan have not been addressed recently and the State has asked the Town to review and update the sections. Ms. Caldwell-Dykstra stated the Town has been designated as a Regional Center since the 1990's and the Town is in the process of updating the certification of Regional Center designation.

Ms. Caldwell-Dykstra went over each element and the purpose of the elements. Ms. Caldwell-Dykstra stated the plans help provide information for studies being done in the community. Ms. Caldwell-Dykstra stated the Town has protected their resources with implementation of various plans in place. Ms. Caldwell-Dykstra stated the update will also provide recommendations for future goals and objectives.

Chairman Le Frois opened this portion of the meeting to the public.

Blake Paino, 128 Main Street, Newton

Mr. Paino stated he wished efforts would be put into place in other areas besides the ones noted.

Chairman Le Frois closed this portion of the meeting to the public.

Ms. Caldwell-Dykstra stated the Town has worked very hard over the years addressing the needs of the Town and implementing plans. Ms. Caldwell-Dykstra also stated the Town has received over 2 million dollars in grants over the past few years. Ms. Caldwell-Dykstra stated having the updated elements will help the Town with future grants as well.

Mr. Marion made a motion to approve the update to the Master Plan. Deputy Mayor Couce seconded the motion.

AYE: Deputy Mayor Couce, Mr. Flaherty, Mr. Marion, Mayor Teets, Mr. Wink, Mr. Ragsdale, and Chairman Le Frois.

Master Plan update approved.

**Town of Newton
Ordinance 2023-18**

Ordinance to Amend, revise and supplement section 320-28 “Conditional Uses” of the Zoning Code of the Town of Newton to regulate the number of approved cannabis retail facilities and delivery businesses in certain zones within the Town of Newton.

The Board had a brief discussion regarding the Shoprite Redevelopment Plan and if the number of cannabis retail would include the Redevelopment Plan or would it be in addition to the two (2) permitted facilities.

Deputy Mayor Couce made a motion to approve the ordinance with the comment regarding the number of permitted facilities. Mr. Wink seconded the motion.

AYE: Deputy Mayor Couce, Mr. Flaherty, Mr. Marion, Mayor Teets, Mr. Wink, Mr. Ragsdale, and Chairman Le Frois.

Ordinance approved.

RESOLUTIONS

Curiosity Cannabis, LLC PB-3-2023

70-72 Mill Street, Block 2.02, Lot 17, Zone T-4

Preliminary and Final Site Plan application for cannabis retail.

Mayor Teets made a motion to approve the resolution as presented. Mr. Ragsdale seconded the motion.

AYE: Deputy Mayor Couce, Mr. Flaherty, Mayor Teets, Mr. Wink, and Chairman Le Frois.
Resolution approved.

CORRESPONDENCE

Letter from Board Attorney Glenn Kienz

Town of Newton, 39 Trinity Street, Newton, NJ

Installation of perimeter fence for Town Hall

NJMLUL N.J.S.A. 40:55D-31 Capital Improvement Program

Chairman Le Frois gave a brief description of Mr. Kienz's letter regarding the fence installation at Town Hall.

Chairman LeFrois opened the meeting to the public.

Lisa Holder, 63 Ryerson Avenue, Newton

Ms. Holder stated she hopes the Town of Newton fines the owner of 75 High Street for demolishing his house without the appropriate approvals. Ms. Holder also informed the Board the last minutes posted are from August 2022.

Chairman Le Frois closed this portion of the meeting to the public.

Motion to adjourn the meeting was made by and seconded by. All in favor. The meeting was adjourned at 9:50 p.m.

Respectfully submitted,

Kerry Brown

Planning Board Secretary