

**Town of Newton Planning Board  
Regular Meeting  
April 16, 2025**

**MINUTES**

The regular and reorganization meeting of the Newton Land Use Board was held at the Town Hall on April 16, 2025. Chairwoman Vrahnos called the meeting to order at 7:00 pm. Chairwoman Vrahnos stated that proper notice had been given for this meeting in accordance with the "Open Public Meetings Act."

Chairwoman Vrahnos led the Salute to the flag.

**ROLL CALL**

Deputy Mayor Dickson – absent  
Mayor Le Frois – absent  
Mr. Marion – present  
Mr. Russo, Jr. – present  
Mr. Wink – present

Mr. Flaherty – present  
Ms. Hall-Romer – absent  
Mr. Ragsdale – present  
Ms. Vrahnos - present  
Ms. Waldron, Alternate #1 – absent

**ALSO PRESENT**

Glenn Kienz, Board Attorney  
Tom Knutelsky, Board Engineer

Spach Trahan, Board Conflict Planner  
Kerry Brown, Board Secretary

**PUBLIC SESSION**

Chairwoman Vrahnos opened the meeting to the public for items not on the agenda.

Sara Lister, Emmons Avenue. Ms. Lister has lived here for several years. Ms. Lister has concerns about trash/debris around town and asked if there is a way to let residents know they need to remove junk on porch/in yard. Chairwoman Vrahnos noted Ms. Lister's concerns.

There were no other members of the public at this time.

**MINUTES**

January 15, 2025

Mr. Russo made a motion to adopt the January 15, 2025 minutes. Mr. Marion seconded the motion.

IN FAVOR: Russo, Flaherty, Marion, Wink, Vrahnos

OPPOSED: None

ABSTAIN: None

**RESOLUTIONS**

There were no resolutions to consider.

**BUSINESS**

R&D Networks, LLC #LUB-6-2024  
15 Clinton Street & 72 Water Street  
Block 5.07, Lots 1 & 10  
Preliminary Major Subdivision and Variance Application

Glenn Cella, attorney for applicant

Board Attorney Kienz noted that Board Conflict Planner Spach Trahan had arrived and there are six members of the Board present. Mr. Kienz also noted that Deputy Mayor Dickson and Mayor Le Frois were excused as the application is a "d" variance and this is a combined Board. Mr. Kienz and Secretary Brown confirmed that service is in order and the application was deemed complete.

Mr. Cella introduced the application. This is a Preliminary and Final Subdivision Approval and variance application to permit a residential density variance, minimum/maximum front yard setback variances, a side yard setback variance, and an accessory structure front yard setback variance. The application includes the subdivision of Lots 1 and 10 on Block 5.07 into five (5) lots. Lot 1 is 15 Clinton Street (T-3 Zone) and Lot 10 is 72 Water Street (T-4 Zone). Lot 1 will become Lots 1, 1.01, and 1.02. Lot 10 will become Lot 10 and 10.01.

Mr. Cella stated that his client, R&D Networks, LLC, is seeking to develop affordable housing in a close-knit neighborhood association. The association would be named the Cozy Lane Neighborhood Association, which includes a set of by-laws to govern the rights and obligations of the association and its members. The project aims to increase the collective value of the existing residential neighborhood.

Mr. Cella stated that we will hear testimony from the applicant, Khaldoun Khashanah, Professional Engineer Mark Gimigliano, and Licensed Landscape Architect/Professional Planner, John McDonough.

Mr. Cella reiterated the variances required: "d(5)" density variance and "c" variances for the front and side yard setbacks, accessory building, and accessory building placement. Mr. Cella stated that the applicant is requesting to increase the permitted density beyond what is allowed by the zoning ordinance, and that this can be granted without substantial negative detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance. Each site will accommodate the issues of concern that relate to the excess density.

Mr. Kienz noted for the record that there are 6 members of the board present, so the applicant will need 5 of the 6 votes to receive an approval.

Khaldoun Khashanah, R&D Networks, was sworn in. Mr. Khashanah stated that they acquired the property in October 2023 and he has done a previous project in Newton that was very successful. He stated that this particular property has character. It has the old barn with a house built in approximately 1900, with 2 acres total. Mr. Khashanah stated that they were denied access from Route 206. DOT did not approve. Access to the property is only possible from Emmons Avenue.

Mr. Khashanah described the existing neighborhood and the proposal. There would be 1.5 acre divided into 3 sub-lots, which would be 0.4 acres, 0.4 acres, and 0.7 acres. Mr. Khashanah stated that the vision is to use the property as much as possible with minimum impact on the environment ecosystem. He stated that the infrastructure required increases the burden of building because it does not have direct access. Mr. Khashanah continued that in terms of designs, there were none that allowed for multifamily development. The minimum number to build was 3 units.

Mr. Cella asked Mr. Khashanah to explain how the infrastructure will be set up.

Mr. Khashanah stated that the new HOA will share the cost of maintenance of the road, garbage collection, snow removal, landscaping, drainage pit and maintenance, along with potential problems with utility infrastructure. None of the infrastructure would be the responsibility of the

Town. The association will be allocating percentages of expenses according to their bylaws. Lots 1 and 1.01 will be owned by R&D Networks. The other 3 houses will be for sale.

Mr. Cella called Mark Gimigliano, Professional Engineer at Dykstra Walker Design Group. Mr. Gimigliano was sworn in, and his qualifications were accepted by the Board.

Mr. Gimigliano stated that he has several exhibits he brought that he will be referring to. The first one is called, "Existing Conditions – Aerial Exhibit." It's dated today, 4/16/25. Chairwoman Vrahnos asked if this was a part of the submission packet and Mr. Gimigliano stated it was not. The document was marked as Exhibit A-1. Mr. Gimigliano described Exhibit A-1 as an aerial photograph of the subject and surrounding properties. He stated there is a yellow zone line that bisects the property.

Mr. Gimigliano stated that this is Block 5.07, Lots 1 and 10. Lot 1 is 15 Clinton Street. It is a 0.9-acre property and is located at the east corner of the intersection of Clinton Street and Emmons Avenue. It is developed with a 2-story single-family home with a detached garage behind the home. Behind the garage is a barn or accessory structure. Mr. Gimigliano stated that access onto the property is via gravel driveway off of Emmons Avenue behind the barn, which leads to a gravel parking area next to the barn. Mr. Gimigliano noted that the first 45 feet of the property along Route 206 is within a drainage easement controlled by NJDOT. He has discussed the property with the DOT and there is no disturbance, no construction, no utility construction or drainage, that is allowed to be installed within that easement. The property is steeply sloping; it slopes from a high point on the north side down towards Route 206 and Clinton Street. The center of the property is more moderate sloping, which is where the applicant intends to develop. This area is about 20 feet higher than Route 206. Mr. Gimigliano stated that there are no freshwater wetlands, streams, floodplains or floodplain buffers that encumber the property. Mr. Gimigliano continued, stating that the surrounding properties to the north along Emmons Avenue are developed with residential dwellings. Residential dwellings are also on Clinton Street, but the Route 206 properties have commercial uses.

Mr. Gimigliano described the proposal. He stated that they are proposing to subdivide the property into 5 lots with the construction of 3 new single-family homes. Mr. Gimigliano introduced a new document, titled, "Proposed Subdivision Exhibit" and dated 4/16/25. This was marked as Exhibit A-2. Mr. Gimigliano described the exhibit, stating that Exhibit A-2 shows the proposed subdivision. He noted that Lot 1 is in the T-3 Zone and Lot 10 is in the T-4 Zone.

Mr. Gimigliano introduced Proposed Layout Exhibit (Exhibit A-3) dated 4/16/25. The detached garage on Lot 1 is to be converted into a 1-bedroom accessory dwelling unit/accessory apartment. Water/sewer/gas will be utilized from existing home, so there are no new utility connections. A new paved driveway (18 feet wide and 36 feet long) off of Emmons Ave is proposed for Lot 1. This driveway can fit four (4) parking spaces as required for accessory apartment and single-family dwelling. Mr. Gimigliano stated that stormwater management will be handled by a bioretention basin on Lot 10. Mr. Gimigliano also stated that soil testing was done at the site and that there are areas of shallow bedrock and areas of shale.

Mr. Gimigliano discussed landscaping and stated that the project will comply with the Town's shrubs and understory plantings ordinance. Along the common driveway, shrubs and other plantings are proposed for screening. Vegetative screening is also proposed around basin.

John McDonough, project planner, was sworn in and his credentials were accepted by the Board.

Mr. McDonough discussed the land on the site and how the project has respected the land and ordinances. The platting of land marries up nicely with the proposed home, in contrast to two (2) oversized lots, which could yield two (2) supersized homes. Mr. McDonough stated that the proposal is much more in harmony than the current condition and the current potential. Smaller lots are better to avoid larger homes that overpower the area. He stated that the proposal includes the adaptive reuse of the existing barn, also an efficient use of the land, while respecting the rural character that defines the community. He stated that the project complies with all of the heavier bulk controls: building height, building floor area, building coverage.

Mr. McDonough stated the variance relief being sought relates mostly to the orientation of the buildings on the lot. He referred to the Phillips-Preiss report dated March 13, 2025 for a list of the variances, on page 4 of that report. He stated that four (4) of the five (5) lots require some form of relief and described each.

Mr. McDonough summarized: these are all better zoning alternatives for the property and the benefits of the application outweigh any detriments. The positives include the advancement of Purpose A, Purpose G, Purpose I, and Purpose M. There are no substantial impacts to the zoning or Master Plan. The project is designed to flow, function, and operate safely. There is nothing atypical about this project.

Mr. McDonough noted a "d(5)" Density variance requested relating to the barn lot as there are two (2) dwelling units. He noted this is a retrofit and in providing housing options this is a better zoning alternative. The positives from the "c" variances carry over to the "d(5)" as well.

The Applicant had no additional witnesses. Chairwoman Vrahnos requested that the board professionals review their reports.

Board Engineer for the hearing, Tom Knutelsky, reviewed Mr. Simmons' report and indicated that most of the comments had been addressed through direct testimony of Mr. Gimigliano. He confirmed there is no signage or lighting proposed as part of the project, but some low-level lights may be added to the parking area. Mr. Knutelsky requested more detail on the earthwork.

Mr. Knutelsky stated his concern about the deep manholes. Mr. Gimigliano responded that the depth can be decreased. This can be a condition of approval. Specifications for utilities will be updated if application is approved. Mr. Kienz clarified that this would be granting only Preliminary approval, with Final approval at a later date when the Engineer's concerns have been addressed. Mr. Kienz suggested a meeting with NJDOT and Town Engineer.

Board Planner for the hearing, Spach Trahan, reviewed her report. Ms. Trahan stated that the conceptual subdivision does not show specific variances. Ms. Trahan suggested that if the Board approves the application, the TRC review final designs. She clarified, and Mr. Gimigliano confirmed, that there are no sidewalks or fences proposed as part of the project.

Ms. Trahan requested clarification from Mr. McDonough on whether the variances are c(1) or c(2). He stated all of the variances can be granted under c(2), but there is an element of hardship to the variance for parking in the front yard. Ms. Trahan requested additional testimony regarding the d(3) variance relief. Mr. Gimigliano affirmed that the site can adequately accommodate traffic concerns, the density is appropriate for the area, and open space is met. Mr. McDonough added that the project is in similar scale and mass to the existing neighborhood.

Mr. Ragsdale asked Mr. Knutelsky if porous pavement would help the applicant with drainage. Mr. Knutelsky stated that would help with water quality, which is already adequate. Mr. Knutelsky

stated that he is concerned about the depth of the inlet and proximity to the property line is problematic.

The Board had concerns about Dave Simmons' report, Item 5. Mr. Gimigliano confirmed that by changing from a 12-inch to a 15-inch pipe, the profile changed and addressed this concern. There will not be any pipe that has standing water in it permanently.

Mr. Ragsdale had a question about whether emergency vehicles will be able to maneuver the driveway. Mr. Gimigliano stated they will make sure the Fire Department deems it sufficient.

Mr. Marion asked if snow would be left on the premises. Mr. Gimigliano stated it would be pushed to the sides of the driveway. Mr. Marion asked if the HOA fees would be sufficient to handle infrastructure and utilities and if the HOA or homeowners cannot afford it, will the Town assume the fees. Mr. Cella stated it would be set up with trustees and this would be in the by-laws. Mr. Khashanah explained how the fees are calculated. The Board expressed concerns about the small size of the HOA and the burden on the homeowners.

Seeing no further questions from the Board, Chairwoman Vrahnos opened the application up to the public.

Anne-Marie Sciascia, 19 Clinton Street. Ms. Sciascia expressed concerns about parking on Clinton Street.

Scott Hart, 19 Emmons Avenue. Mr. Hart expressed concerns about the lack of outreach from the applicant to the neighborhood. Mr. Hart stated this would double the size of the neighborhood and agreed with the previously stated concerns about parking and infrastructure. He also stated he is also concerned about vegetation and wildlife, as well as the size of the homes.

John McGuigan, 10 Emmons Avenue. Mr. McGuigan stated that he is troubled by the proposed HOA for the reasons already stated by the Board and that the proposal is too dense for the neighborhood.

Sara Lister, Emmons Avenue. Ms. Lister agreed with other members of the public and stated that she had concerns about the number of cars coming in and out of the neighborhood given that it is a small street.

Joel Caserta, 11 Emmons Avenue. Mr. Caserta agrees with concerns about the traffic. He stated that his property would be near these retaining walls and what hammering or blasting could do to his home.

Don Schaffer, relative of Sara Lister. Mr. Schaffer stated he is a licensed Construction Official, Building Sub-code Official, and Building Inspector HHS. Mr. Schaffer expressed concern that the use variance was not properly addressed. He also expressed concern about conversion of the barn into a residence.

There being no additional members of the public wishing to speak, the meeting was closed to the public.

A recess was held at 9:14 P.M. The meeting was called back to order at 9:21 P.M.

Mr. Kienz summarized the issues and the application for the Board. The Board discussed their findings. The Board discussed bifurcating the application, with the density variance being separate.

A motion to approve the d(3) conditional use variance was made by Mr. Ragsdale and seconded by Mr. Russo.

IN FAVOR: None

OPPOSED: Ragsdale, Russo, Flaherty, Marion, Wink, Vrahnos

ABSTAIN: None

A motion was made by Mr. Ragsdale and seconded by Mr. Marion to deny the request for subdivision approval and ancillary variances based on the testimony and reports prepared.

IN FAVOR: Ragsdale, Russo, Flaherty, Marion, Wink, Vrahnos

OPPOSED: None

ABSTAIN: None

### **CORRESPONDANCE**

The Board received a copy of the *New Jersey Planner* and had no comments.

### **EXECUTIVE SESSION**

No executive session was held.

Mr. Marion made a motion to adjourn the meeting. Mr. Flaherty second the motion. All in favor, none opposed.

The meeting was adjourned at 9:32 P.M.

Respectfully submitted,  
Alison Kopsco, PP/AICP  
Interim Planning Board Secretary