

Planning Board Meeting
Redevelopment Meeting of April 2, 2008 at 7:30 pm

The redevelopment meeting of the Planning Board took place on the above date. Chairman McCabe read the Open Public Meeting Act and requested Board Secretary Mrs. Citterbart called the roll. Board Secretary Citterbart stated there was a quorum.

Members Present: Mr. White, Ms. Unhoch, Mr. Ricciardo, Ms. Kithcart, Mr. Vandyk, Mr. Caffrey, Chairwoman McCabe

Members Absent: Mr. LeFrois, Ms. Fowler

ALSO PRESENT: Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, David Simmons, Board Engineer, Ms. Jennifer Credidio from the firm McManimon & Scotland, Newark, NJ, Mr. Ross Sheasley, A. Nelessen and Associates, Debra Millikin, Deputy Town Manager, Kathy Citterbart, Board Secretary.

FLAG SALUTE

CONSIDERATION OF MINUTES:

HISTORIC RESOLUTIONS:

RESOLUTIONS:

OLD BUSINESS

NEW BUSINESS

REDEVELOPMENT INVESTIGATION AND A PUBLIC HEARING OF THE RAILROAD DISTRICT

Block 1101 Lots 50.01, 59, 58, 56, 55.01, 55

Block 1104 Lots 10, 11, 14.01, 16, 19, 22

Block 1301 Lots 1, 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13,
14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27

Block 1308 Lots 1, 1.01, 1.02, 10, 11, 12, 13 & 14

Mr. Ricciardo listened to the tape from the last meeting. Chairwoman McCabe stated Ms. Citterbart stated Mr. Ricciardo signed statement. Mr. Ricciardo is entitled to vote.

Mr. Soloway stated: Ms. Jennifer Credidio wants to make a statement and then we will put it out to the public.

Ms. Credidio asked Ms. Citterbart to clarify the Exhibits. Ms. Citterbart read the Exhibits to Ms. Credidio.

Ms. Jennifer Credidio from the firm McManimon & Scotland, Newark, NJ.

Ms. Credidio questioned Mr. Sheasley: We had a lot of testimony and cross examination as to specific parcels. Can you explain the methodology on whether it had a parcel merit analysis, an area wide analysis and as to which one why you see appropriate? Mr. Sheasley stated: We did field investigations and looked at all the parcels. Individually we documented them in field work regarding them. We looked at data of all the parcels but our analysis was an area wide analysis to assess whether the area in totality should be considered as an area in need of redevelopment. Ms. Credidio questioned: As you understand it in your capacity of a Professional Planner that is the appropriate approach as required by the Township? Mr. Sheasley stated: Yes it is. Ms. Credidio questioned: We had discussion of the potential uncertainty as to the properties after recommendations of this Board in potential designation by the Town Council. There was some concern that when the Board would take these actions and that it would to an uncertainty the future of these parcels that there is no redevelopment plan in place. Can you go through briefly what the steps would be to adopt a redevelopment plan or whether one could be adopted at this time? Mr. Sheasley stated: No, the first step is for the Town Council to direct the Planning Board to do an area in each study, which is what we have done, and present those findings to the Planning Board which presents their recommendation to the Town Council. At that point, the Town Council can direct the Planning Board or the Town itself can do redevelopment plan, but not until there is a designation of an area in need. Ms. Credidio questioned: That can be an area in need of rehabilitation or an area of redevelopment? Mr. Sheasley stated: Correct. Ms. Credidio questioned: Would each be a redevelopment plan? Mr. Sheasley stated: With both an area of redevelopment and an area in need of rehabilitation a redevelopment plan is produced. Ms. Credidio questioned: If the Town begins the process of developing a proposed redevelopment plan, it would have to come to this body for their review and comment. Mr. Sheasley stated: Correct. Ms. Credidio questioned: After presuming that a designation was made and a redevelopment plan was adopted, any development would also have to come back to the Planning Board for site planning approval? Mr. Sheasley stated: Yes. Ms. Credidio questioned: Let's talk about diversity of ownership in the area. There are a few premises that you can apply for including defects entitled "other similar conditions of land." How are you applying "E" here? Is it a diversity analysis? Mr. Sheasley stated: Yes, it is a diversity of ownership. Ms. Credidio questioned: "E" is conjunctive. It requires not only that you find a defect or title of diversity of ownership, but also that the property.

Mr. Pojanowski stated: I would like to object to question counsel is leading the expert witness. She is not asking questions, basically she is giving the statement and he is saying yes or no to it. I think that is inappropriate. If he is going to give testimony, he should give it and counsel should not be testifying. Mr. Soloway stated: Rules of evidence do not strictly apply to these proceedings but can we try not to lead the witness.

Ms. Credidio stated: I would be more than happy to comply. Part of that is just to educate those present. Mr. Sheasley is the "E" criteria conjunctive? Mr. Sheasley stated: Yes. Ms. Credidio questioned: What do you need to find in order to apply the "E" criteria? Mr. Sheasley stated: The diversity of ownership in the area results in stagnant or not fully productive condition of land that contributes and serves the public health, safety and welfare. Ms. Credidio questioned: So there is a causation analysis? Mr. Sheasley stated: Yes. Ms. Credidio questioned: Since you testified that you find "E" to apply here, what is the causation that you find? Mr. Sheasley stated: The diversity of the ownership of the parcels contributes to other conditions that would require redevelopment in the future. Ms. Credidio questioned: Can you elaborate on that? Mr. Sheasley stated: Yes. For instance, with the diversity of ownership you have different and incompatible land uses next to each other. For instance, you have industrial next to residential or adjacent to residential in several instances, including on Diller Avenue there are several parcels as well as on Woodside Avenue and Sparta Avenue. The diversity of ownership that leads to that incompatibility of land use makes future redevelopment. Ms. Credidio questioned: You talked a little bit about conformance with zoning. Would you find it necessarily if it doesn't conform with zoning it is need of redevelopment? Mr. Sheasley stated: No necessarily. The zoning is what it is. The conditions still can indicate that some of the conditions of the diversity of ownership. The non-conformance with the zoning is an indicator of some of the conditions that make redevelopment difficult. Ms. Credidio questioned: The zoning itself is not a criteria in the statute? Mr. Sheasley stated: No it is not. Ms. Credidio questioned: Do you believe that the entire area should be designated to in order to carry on with effective redevelopment? Mr. Sheasley stated: Yes. Ms. Credidio questioned: Could you expand on that please? Mr. Sheasley stated: From a planning perspective we want to look at the entire area as a whole so that we can be most effective in the redevelopment of the area. If we look at parcel by parcel, or if we look at individual parcels, we are more likely to get the same haphazard redevelopment that has occurred in the area in the past. Ms. Credidio questioned: You testified that you have reviewed the area in January 2008? Where there any material changes? Mr. Sheasley stated: No, we didn't find any changes that were substantially different from our analysis in the Summer of 2007. Ms. Credidio questioned: You had talked about some environmental issues in the area. Could you recap for us briefly what those issues may be and how they relate? Mr. Sheasley stated: We had several instances of various environmental conditions as documented by the NJDEP. They included a large quantity generator of hazardous waste. We had two facilities within the study area that in the past or present are considered large quantity generators. They are also adjacent to residential. There are three sites that are listed on the State Hazardous Waste site database. One is on Diller Avenue and surrounded by residential properties. There is one at the corner of Woodside Avenue and Sparta Avenue. That is also adjacent to some residential properties, as well as a former industrial facility that was part of Merriam Gateway which is now residential. Ms. Credidio questioned: Which criteria would you find environmental issues to be relevant and why? Mr. Sheasley stated: We would find those under Criteria D. They would affect the contamination issues that arise from hazardous waste sites. Known contamination sites would affect the health, safety and welfare of the community. Ms. Credidio questioned: One of the other things you had talked about was pedestrian safety

issues. Can you recap that briefly and how it fits into the Criteria? Mr. Sheasley stated: The pedestrian safety issue is related to the sidewalks and setbacks of a lot of the properties and buildings along Diller Avenue where the setbacks were very narrow. In addition, there are numerous sites where there are no sidewalks in the study area that is included in a good portion of Diller Avenue. Where a lot of the sidewalks are located, they are in poor deteriorated condition. How that affects the safety in the area? Anyone walking in that area is more prone to interaction with vehicular traffic. Ms. Credidio questioned: There was a comment from the public at one of the previous meeting that there is an error in the report as to where sidewalks are present. Can you please clarify that? Mr. Sheasley stated: The report indicates that the entirety of Diller Avenue has sidewalks. That is not correct. There are not sidewalks on a good portion of the western side of Diller Avenue. There are intermittent sidewalks on the eastern side. Ms. Credidio questioned: You did not prepare in the addendum that the remedy of that. This will be the only remedy of that? Mr. Sheasley stated: Yes. Ms. Credidio questioned: Can you talk about Smart Growth Principles and how that fits into your analysis? Mr. Sheasley stated: Yes. One of the Smart Growth Planning Principles we looked at was to take advantage of compact building design. This part of Newton was designated as a neighborhood center in the Vision Plan that was adopted in 2006. If we include this entire area as an area in need of redevelopment, we can do a more coordinated and compact building design in this area that relates to a neighborhood center. Then we could if the area was left to develop in a haphazard fashion as it has today. To create more housing or additional opportunities and choices. To create walkable communities given the proximity to businesses. The entire area is surrounded by residential neighborhood that makes walkability of the surrounding neighborhoods. If we redevelop this area in a coordinated manner we would have an attractive community with a strong sense of place. Another one is to preserve open space in natural beauty in critical environmental areas. A coordinated redevelopment effort in this area would allow us to look at more modern planning and development alternatives that could help mitigate and protect the environmental areas that surround the area, including the wetlands. Some of the open spaces in the area could be redeveloped and used in a better way or more appropriate way in a redevelopment area. For instance, the Railroad right-of-way it wouldn't be able to be used probably if it was left in the current state. To strengthen and direct redevelopment and development into existing communities. Newton is a designated Town Center in the State plan as such the state plan calls for focusing new development and redevelopment in existing Town Centers and because this has been designated as a neighborhood center in the Vision Plan. It makes sense that this could be redeveloped and would focus redevelopment into this area. Ms. Credidio questioned: The statute refers to Smart Growth principles that have been adopted by law or regulations. Where are the principles you are discussing? Mr. Sheasley stated: They are in the State Plan. Ms. Credidio questioned: The State Plan is adopted by whom? Mr. Sheasley stated: By the legislature. Ms. Credidio stated: I have one more comment for the Board. There was a representation made by a member of the public at the last meeting that there are homes that are outside the study area that their lots may encroach onto the right of way at Diller Avenue. The study area as referred to the Planning Board from the governing body to investigate and includes all the public roads and right of ways surrounding the study area and adjoining to it. I just ask the Board to be sensitive to that when you are considering

any recommendation you may make that these Diller Avenue frontage that if you are going to include any portion of this that there is clarity on the record that it does not include any portion of homes or lots that are on the opposite side of Diller Avenue that lie outside the study area. Mr. Soloway stated: I don't think the Board could appropriately include any portion of lots across the street that technically is within that are because they haven't been noticed for this hearing. Any finding that the Board may make that warrant any of these properties that are in need of redevelopment and the area that the finding is made extends into the right of way. I think by necessity it would only be to the point where that right of way adjoins property outside of the study area. If there is an overlap, it would not be included. Ms. Credidio stated: Only for the clarity in the records we don't create any unintended consequences for property owners on the other side of Diller Avenue.

Mr. Soloway stated: Any questions of Mr. Sheasley would be limited to the testimony he gave tonight. After that is done the public will have the opportunity to make any comments.

Joeseph Grather, representing property owners in this area. Mr. Sheasley, I have a few questions to ask you about your testimony tonight. The way I heard your testimony with respect to your Criteria D analysis you testified there were certain environmental conditions in the area and Criteria D applied, correct? Mr. Sheasley stated: Correct. Mr. Grather questioned: If you would refer to A-1 in the Redevelopment Study Report of 2007 on Page 25, before you start getting into the specifics of the environmental conditions of the subject property. At the second paragraph, first bullet point you state molecular rearrangement and you say formally located at 69 Sparta Avenue. What is located at 69 Sparta Avenue today? Mr. Sheasley stated: That is currently the Merriam Gateway Apartments. Mr. Grather questioned: Were the Merriam Gateway Apartments there when you drafted this report? Mr. Sheasley stated: Yes they were. Mr. Grather questioned: What type of use is that? Mr. Sheasley stated: Residential Mixed Use. Mr. Grather questioned: Do you know when they were constructed? Mr. Sheasley stated: The turn of the century. You mean when they were converted to residential? Mr. Grather stated: Yes when they were converted. Mr. Sheasley stated: I believe within the last 15 years. Mr. Grather questioned: When they were converted to residential would they have had to retain approval from the DEP? Mr. Sheasley stated: I would imagine so. I believe the report says that the site was reported in compliance in 1986. Mr. Grather stated: Okay, you are cutting off a lot of questions. What is the purpose of having this in this report if 20 years ago it received a sign off from the DEP? Mr. Sheasley stated: It indicates that at some point there was a history of contamination or industrial uses in the area. Mr. Grather questioned: Doesn't Criteria D look at the current conditions of the property and whether not the current conditions of the property is proposing some type of detriment to the safety, health and morals of the community? Mr. Sheasley stated: Yes it does and that was not the only indicator of our Environmental Analysis. Mr. Grather stated: I understand that when we are talking about this particular one and that particular one there is no current detriment to the public safety by molecular rearrangement is there? Mr. Sheasley stated: No, not at the moment.

Mr. Grather questioned: You go on to Key Auto Parts at 7 Woodside Avenue as a facility that generates less than 1,000 kg of hazardous waste, correct? Mr. Sheasley stated: Correct. Mr. Grather questioned: It is listed as having no violations, correct? Mr. Sheasley stated: Correct. Mr. Grather questioned: Does that indicate that there are any current safety violations caused by that condition of the property? Mr. Sheasley stated: It does. It indicates there are no violations. Mr. Grather questioned: The same is true with respect to Cono's Autobody which is 81 Sparta Avenue, correct? Mr. Sheasley stated: Correct.

Mr. Grather questioned: You go on to inform the Board that certain properties have underground storage tanks on the bottom of Page 25 and continuing on Page 26, correct? Mr. Sheasley stated: Correct. Mr. Grather questioned: You stated there are 5 underground storage tanks at 43 Sparta Avenue, correct? Mr. Sheasley stated: Correct. Mr. Grather questioned: Were these been removed? Mr. Sheasley stated: They all have been removed, yes. Mr. Grather questioned: I am right in reading the NJDEP issued a No Further Action Letter with respect to the removal of those tanks. Mr. Sheasley stated: Yes, you are correct. Mr. Grather questioned: Is there any indication that there is a problem with that piece of property right now? Mr. Sheasley stated: Not that we could ascertain, no.

Mr. Grather questioned: With respect to Newton Citgo, is that a currently active gas station? Mr. Sheasley stated: Yes. Mr. Grather questioned: They are using underground storage tanks to store their gasoline, right? Mr. Sheasley stated: Yes. Mr. Grather questioned: Is there any indication that they are causing any safety problems to the public. Mr. Sheasley stated: Currently no.

Mr. Grather questioned: What about Dewey's Automotive that is the Getty Station? Mr. Sheasley stated: Former, correct. Mr. Grather questioned: What is currently on that site? Mr. Sheasley stated: An autobody shop and auto parts. Mr. Grather questioned: They don't dispense gasoline anymore? Mr. Sheasley stated: No. Mr. Grather questioned: Did they remove the tanks? Mr. Sheasley stated: Yes they did. Mr. Grather questioned: Are you aware of what the current status is of where the Mobil is? Mr. Sheasley stated: Other than the fact that all the tanks on the site have been removed. Mr. Grather questioned: You don't know whether an NFA has been removed? Mr. Sheasley stated: No I do not. Mr. Grather questioned: Do you have any evidence that there is a public safety problem with that particular property? Mr. Sheasley stated: It did receive a No Further Action Letter although it was listed as having a leaky underground storage tank originally. Mr. Grather questioned: A No Further Action Letter means that the DEP has signed off and there is no further action required in order to remediate the property, correct? Mr. Sheasley stated: Yes, but it is also listed as having one area concern and one media of concern which are unidentified. Mr. Grather stated: How can you have an unidentified area of concern? Mr. Sheasley stated: I don't know. It was not indicated. Mr. Grather questioned: Newton U-Save Service Station that is three tanks? Mr. Sheasley stated: Yes it does. Mr. Grather questioned: Currently in use? Mr. Sheasley stated: No they have just been removed. Mr. Grather questioned: Your report says currently in use. Mr. Sheasley stated: As of the writing of the report, yes. Mr. Grather

questioned: As of the writing of the report and they are not in use anymore? Mr. Sheasley stated: No. Mr. Grather questioned: Were they removed pursuant to DEP authorization? Mr. Sheasley stated: That I don't know. Mr. Grather questioned: Do you have any indication that particular property is causing some harm to the public health? Mr. Sheasley stated: Not directly. It is awaiting its status as far as being a leaking underground storage tank from the DEP.

Mr. Grather questioned: 43 Sparta Avenue again in your second set of bullets. That has been resolved right? Mr. Sheasley stated: Yes. 74 Sparta Avenue has been resolved also? Mr. Sheasley stated: It is listed as a site as having one area and one media of concern. Mr. Grather questioned: But we don't know what that means do we? Mr. Sheasley state: Correct. Mr. Grather questioned: Your last bullet on that page talks about the illegal dumping reported in 1994 does that help us determine what condition the property is in 2008? Mr. Sheasley stated: It does not. I believe it is still currently listed on the New Jersey Release and New Jersey Spills listing. Mr. Grather questioned: Is that based upon your personal knowledge? Mr. Sheasley stated: No, based on the report that I read. Mr. Grather questioned: Did you check it? Mr. Sheasley stated: No. Mr. Grather questioned: Do you have the ability to check it? Mr. Sheasley stated: I believe so. Mr. Grather questioned: The report you are relying upon is the 2002 report or the 2006 report? Mr. Sheasley stated: It is the 2007 report. Mr. Grather questioned: That in part relies on the 2002 report, correct? Mr. Sheasley stated: Correct. Mr. Grather questioned: Do you know if either one of those reports have been updated? Mr. Sheasley stated: I do not know.

Mr. Grather questioned: 78 Sparta Avenue which is your next bullet point on Page 27, that also talks about an incident in 1994, correct? Mr. Sheasley stated: Correct. Mr. Grather questioned: That doesn't help us with the current condition of the property does it? Mr. Sheasley stated: It might. I can't say.

Mr. Grather questioned: The 1996 spill at the next bullet point. Do you have any current information on that piece of property? Mr. Sheasley stated: Not anything other than the 2007 Hazardous Waste Screening Report.

Mr. Grather questioned: 65 Sparta Avenue. We have already talked about that right? Mr. Sheasley stated: Yes. Mr. Grather questioned: Dulles, we have already talked about that? Mr. Sheasley stated: Correct.

Mr. Grather questioned: The next bullet point, what property is that relating to you do you know? Various Sparta and Diller Avenues. Mr. Sheasley stated: Apparently it was a release on the roadway. Mr. Grather questioned: In the public right of way? Mr. Sheasley stated: Correct. Mr. Grather questioned: Do you know if the Town of Newton did anything about that? Mr. Sheasley stated: I do not. The report indicated that the spill was cleaned up. Mr. Grather questioned: The report prepared by the County? Mr. Sheasley stated: Yes. Mr. Grather questioned: So that would suggest that there is no current public health issues. Mr. Sheasley stated: I would imagine, yes.

Mr. Grather questioned: 7 Woodside Avenue. When did these incidences occur, if you can tell us? Mr. Sheasley stated: I don't know that was not indicated in the report. Mr. Grather questioned: Case Number 89, does that mean it was open in 1989? Mr. Sheasley stated: Perhaps, I don't know. Mr. Grather questioned: How about Case Number 94 mean that it was open in 1994? Mr. Sheasley stated: That could be. Mr. Grather questioned: So the current condition of the property that doesn't help does it? Mr. Sheasley stated: No it doesn't.

Mr. Grather questioned: 40 Sparta Avenue. Is that currently an Exxon Station? Mr. Sheasley stated: Yes it is. Mr. Grather questioned: Does it currently operate as a gasoline station? Mr. Sheasley stated: Yes it does. Mr. Grather questioned: Do you have any specific evidence that that particular gas station was causing a detriment to the public health, safety and welfare? Mr. Sheasley stated: I don't other than its inclusion in the New Jersey Spills database. Mr. Grather questioned: The fact that a gas station is listed in the New Jersey Spills database does not indicate to this Board that there has been a public health problem, does it? Mr. Sheasley stated: If it is indicated in the New Jersey Spills database it indicates that according to the State there has been a spill on the site. Mr. Grather questioned: You can't tell this Board when the spill happened, if it was cleaned up, you can't tell the Board anything. Mr. Sheasley stated: At this time, no I cannot. Mr. Grather questioned: This information is not helpful in determining what the current condition of the property is, correct? Mr. Sheasley stated: Correct.

Mr. Grather questioned: 69 Sparta Avenue. We already talked about that. It has an apartment building, correct? Mr. Sheasley stated: Correct. Mr. Grather questioned: People are living in there. Mr. Sheasley stated: Correct. Mr. Grather questioned: Have you had any indication that people are suffering health consequences due to what you say is a condition of the property? Mr. Sheasley stated: No I do not have any evidence of that.

Mr. Grather questioned: There is one dry cleaner in the area. What does the fact that there is a dry cleaner in the area do to help this Board determine whether or not there is any public health problems? Mr. Sheasley stated: I don't have any evidence of that.

Mr. Grather questioned: 69 Sparta Avenue. We talked about that. That is listed several times here, correct? Mr. Sheasley stated: Correct. Mr. Grather questioned: Do you have any other information regarding environmental conditions of the property other than what is set forth in your report? Mr. Sheasley stated: No I do not. Mr. Grather questioned: We just went through all the conditions and it doesn't appear as any of those conditions are posing any detriment to the public health currently. Is that correct? Mr. Sheasley stated: I don't know that. I don't have any evidence of that, but that does not mean that the evidence does not exist. Mr. Grather questioned: You don't have the evidence for this Board to help them make a decision, correct. Mr. Sheasley stated: At the moment, no.

Mr. Grather questioned: You testified that your Criteria E analysis was based solely on the diversity of ownership of Statute, correct? Mr. Sheasley stated: Yes. Mr. Grather

questioned: You testified that what you really are talking about is the diversity uses and the fact that you have an industrial site next to a residential site. Mr. Sheasley stated: Yes, they are related. Mr. Grather questioned: That is the diversity of ownership problem that you will see in this area? Mr. Sheasley stated: Yes. Mr. Grather questioned: Did you testify that the conditions of diversity of ownership had to lead to a stagnant or unproductive condition? Mr. Sheasley stated: I believe so. Mr. Grather questioned: Isn't the legal requirement that it has to be a stagnant and unproductive condition? Mr. Sheasley stated: I don't believe so, no. Mr. Grather questioned: So you are basically saying it can be stagnant or unproductive condition? Mr. Sheasley stated: Yes.

Mr. Grather thanked Mr. Sheasley.

Mr. Joe Pojanowski, Esq. representing Joanne and Peter Horvath the owners of the Station House Plaza, Block 1301, Lot 1.01, 274 Spring Street. Mr. Sheasley I am going to direct my questions to you with respect to my client's property.

Mr. Pojanowski questioned: Mr. Sheasley in your redirect testimony that you gave this evening discussed Criteria D. In your opinion, does Criteria D apply to my client's property? Mr. Sheasley stated: Not specifically. Mr. Pojanowski questioned: Does it apply at all? Mr. Sheasley stated: No it does not. Mr. Pojanowski questioned: With respect to Criteria E the counsel just asked you with respect to the diversity of uses, you are familiar with my client's property sir? Mr. Sheasley stated: Yes I am. Mr. Pojanowski questioned: Did you in fact walk it? Mr. Sheasley stated: Yes. Mr. Pojanowski questioned: You made an onsite inspection? Mr. Sheasley stated: Exterior. Mr. Pojanowski questioned: Did you go inside the stores, inside the office building at all? Mr. Sheasley stated: No I did not. That is not required under the Statute. Mr. Pojanowski questioned: Would you please relate to the Board your recollection of a condition of my client's property? Mr. Sheasley stated: The property is in good condition from the outside. The building is in fairly good condition. No obvious signs of deterioration. It is landscaped. I don't know what the occupancy is, but it looks like it is primarily occupied. The parking for the facility wraps around three sides. Access to the interior units is primarily from the Lower Spring Street side with rear access from the Sparta Avenue side. Mr. Pojanowski stated: The reason why I am standing here is to let you look at pictures to refresh your recollection. What was the condition of the parking lot? Mr. Sheasley questioned: The parking lot is in good condition. Mr. Pojanowski questioned: Did you happen to see storm drains in there too? Mr. Sheasley stated: Yes. Mr. Pojanowski questioned: Which means that there is no runoff to the adjacent property owners. Is that correct? Mr. Sheasley stated: That is correct.

Mr. Pojanowski questioned: Did you happen to note the use of the adjacent property immediately next door to my client's property which is Camp Iliff? Mr. Sheasley stated: Yes. Mr. Pojanowski questioned: Can you describe what Camp Iliff looks like? Mr. Sheasley stated: Camp Iliff's primary and only vehicular access to the site is through the parking lot of Lot 1.01 which is your client's property. Mr. Pojanowski questioned: So Camp Iliff is a commercial enterprise and the Horvath's property which is Lot 1.01 is

also a commercial enterprise? Mr. Sheasley stated: Correct. Mr. Pojanowski questioned: We have two commercial enterprises which are not only side by side, but they are also share a common easement area for ingress and egress. Am I correct? Mr. Sheasley stated: Correct. Mr. Pojanowski questioned: Would you consider the use of my client's property as being stagnant? Mr. Sheasley stated: No I would not. Mr. Pojanowski questioned: Would you consider the use of my client's property being unproductive? Mr. Sheasley stated: No I would not. Mr. Pojanowski questioned: You are familiar with other commercial areas in the Town of Newton are you not? Mr. Sheasley stated: Yes I am. Mr. Pojanowski questioned: How would you compare my client's commercial property to say other commercial properties along Sparta Avenue that are not in the Zone? Mr. Sheasley questioned: Are you referring to their condition or their economics? Mr. Pojanowski questioned: Either. Mr. Sheasley stated: I don't know the economics. The condition would be at least as good if not better. Mr. Pojanowski questioned: If you compare my client's property versus the other commercial areas closer to the center part of the Town of Newton. How would you compare the appearance of my client's property to the average commercial property in the Town of Newton? Mr. Sheasley stated: As good or better. Mr. Pojanowski questioned: In your direct testimony you indicated that you felt the subject zone should be used as a neighborhood center. Could you please define what you call a neighborhood center? Mr. Sheasley stated: A neighborhood center would be a place that has mixed uses which tend to be buildings which contain more than one use. Generally would be commercial on the ground floor with some type of use either office or residential above. It is a coordinated development. It is walkable from surrounding residential. Mr. Pojanowski questioned: Going back into your onsite inspection of the Station House Plaza did you notice that this is also a mixed use building? Mr. Sheasley stated: Yes. Mr. Pojanowski questioned: Doesn't the current use of the Station House Plaza actually mimic the neighborhood center that you were just discussing that you would like to see of the entire area? Mr. Sheasley stated: Yes it does. Mr. Pojanowski questioned: In fact, to be honest with the Board isn't the Station House Plaza pretty much a prototype of what you would like to see the rest of area look like? Mr. Sheasley stated: Pretty much a prototype, but not exactly. Mr. Pojanowski questioned: Do you think then in the area of smart planning that it would be smart to ask the Town fathers to spend money to include my client's property which already is doing what you believe is the goal of the neighborhood center and possibly take my client's property to do the same thing that is being done currently? Mr. Sheasley stated: I don't believe including your client's property is taking it, but I will grant you that. Mr. Pojanowski questioned: The fact that my client's property is adjacent to another commercial property in which my client's property is 1.18 acres and the Iliff Park is about 2 acres so really we have a continuity of commercial use in one section at the extreme end of the zone, am I correct? Mr. Sheasley stated: Yes. Mr. Pojanowski questioned: Wouldn't that be logical to be able to cut these two properties, at least my client's properties, out of the zone and still maintain the goal of having a neighborhood center? Mr. Sheasley stated: I don't know from a planning perspective if I agree with that because of the geometry of the block. Chairwoman McCabe questioned: Can you ask the question again for my clarity? Mr. Pojanowski questioned: Do you believe it would be possible to still achieve the goal of having the neighborhood center by cutting out of the zone the Station House Plaza as it is today without having a detrimental effect

on the remaining poles for the rest of the zone? Mr. Sheasley stated: From a planning perspective I would say because of the geometry of the block no. Mr. Pojanowski questioned: Isn't true that there are sidewalks on both main streets which border my client's property? Mr. Sheasley stated: Lower Spring Street and Sparta Avenue, yes. Mr. Pojanowski questioned: In fact, those sidewalks are newly installed by the municipality weren't they? Mr. Sheasley stated: I don't know about Sparta Avenue, but I believe Lower Spring Street probably. Mr. Pojanowski questioned: In your direct testimony you indicated that one of the goals of the zone would be to make the area walkable so people can walk from residential areas to commercial areas? Mr. Sheasley stated: Yes. Mr. Pojanowski questioned: If the zone was to be redeveloped without my client's property being included in the zone, the sidewalks infrastructure already exists to a commercial area which would be my client's property would it not? Mr. Sheasley stated: Yes. Mr. Pojanowski questioned: So my client's property does avail itself walkability for the concept of being beneficial to the municipality? Mr. Sheasley stated: Yes it does. Mr. Pojanowski questioned: So really nothing new has to be done in order to make this property accessible for commercial use from a residential area? Mr. Sheasley stated: That is probably true, yes.

Chairwoman McCabe opened the floor to the public.

Mr. Soloway stated: The public can question Mr. Sheasley but only about his testimony tonight and can comment about anything relevant to the proceedings. Chairwoman McCabe stated: Just ask for time sake. We have heard quite a bit of comments.

Theresa Iliff. I would like to say we have had a lot of lawyers coming up and speaking. I would like everyone to know, I did know retain Joseph Pojanowksi as my attorney. I would like to thank him. He actually helped me out a little bit. I would like to bring it up for a reason. He is helping part of the community. I think you can see that. He was hired for another reason this evening. I know decisions will be made tonight and we probably can't change them here right now. I would like to say that I would like to you to see all the people that are sitting here. Just look at them. They are beautiful and they are feeling a lot of pain. I have nights of sleep, upset stomach, tears, as I know they have. Can everyone just stand up for one second please? Stand up! People stand up. Look at them. Pain. I want you to understand these people have worked hard for what they have and they have earned it. They believe in you as a council and they are saying that they don't believe in redevelopment. They just want you to make the right choices. Take out what in your heart you know does not belong and keep in what you believe improves our community. I don't know if you can do that with this report. I don't know. I know you are members of this community and you drive by these homes. You drive by my property. You drive by the train station. You know what belongs and what doesn't belong. You are here for us, that is what you sat there for is us. We are asking you to do that tonight and if you don't think you can and you have to make another meeting then you do that because we will support you if you are going to reconsider. If you can't we will understand that, but I hope tonight that something is done to show good faith on your part to possibly remove some of these homes. I think that made my point. God bless everybody.

Tara Pankz, 14 Woodside Avenue. I was going to read this letter at the last meeting but I was not able to be here. Read letter to Newton Planning Board requesting to take their home on 14 Woodside Avenue off the redevelopment list. Letter read and picture enclosed as Exhibit O-2. Block 1101 Lot 56. After listening to the lawyers this evening and especially the neighborhood center that has come up, I am confused with what Mr. Sheasley is saying because where are home is we already are in a neighborhood center. There are homes on one side. We can walk across the street. We have the restaurants. We can walk down to Camp Iliff for the kids. I am a little confused there with what he wants to do. As far as health and safety goes, I think the whole town needs to be looked at. I don't think just this area needs to be looked at. I have pictures here of the sewer system. I am very upset that the more building wants to go on when I have pictures here over by the office furniture warehouse with the sewer coming up in the middle of the road. I have it in front of Sovereign Bank coming up in front of the road. I have in front of my home the sewer that is not moving and up to the street. I do not understand why things like that are not being looked into with his report and why he just wants to build more. As far as being in a blighted section, I take offense to that. We have raked our leaves. We have taken care of our home for 19 years. We have taken pride in it. When we raked our leaves this year and put them out front the town never came to get them. They sat there all winter. A couple of weeks ago my husband took them away. Nobody came to get them. As far as the sidewalks go, I don't understand why you are after our homes when at the bottom of Halsted Street School the kids walk on that sidewalk everyday and it is covered with rocks and gravel. So many sidewalks aren't being shoveled. I think there is a lot of other things to be looked at besides taking people's homes away. Thank you.

Melissa Katenstein. I spoke at the last meeting. I also take pride in my home and I take offense that I heard it is a blight to the community. I also heard that there were signs of dilapidation because I have cracks in my driveway, which I think is ridiculous. I brought these pictures which I would like to enter into evidence. Mr. Soloway stated: Could you please state what the pictures are? Ms. Katenstein stated: Yes. They are of my home. They were taken this week. They are all dated. They were taken on March 31th and April 1st. Mr. Soloway questioned: Your home is 36 Diller Avenue? Ms. Katenstein stated: Block 1301, Lot 7. The pictures are Exhibit O-3, 9 photographs. I just wanted you to see what I see every day because I don't understand how my home recently renovated in pristine condition is considered blight to the community. My home was affected by the blast of Able Oil and pretty much everything in my home was redone subsequent to that within the past five years. Thank you.

Connie Sutton-Falk, 20 Hicks Avenue. Yes, I know I am sworn in. Is there a deadline for appeals and when is it? Mr. Soloway stated: Better to be answered by Ms. Credidio. My understanding is that depending on the form of notice, the appeal deadline might be 45 days from the date the council assuming this Board makes a recommendation of any of the properties should be included in the redevelopment area. It would be 45 days from the date the council adopts that recommendation. Ms. Credidio stated: I am going to offer my construction of it. I invited Mr. Pojanowski and Mr. Grather to weigh in. It is

my understanding in that especially given recent case law that if this Board is to make a recommendation this evening and the Town Council was to act to designate all or part of an area. After that designation notice would have to be provided by the Town to the property owners that are affected that notice would have to state the appeal period as 45 days after receiving notice. Ms. Sutton-Falk stated: Mr. Sheasley talked about the diversity of the properties in this area. I believe those types of diversity are throughout this town and I believe the redevelopment answer in having all these diverse and haphazard developments is based on an excuse to use them and take them away from us. These individual parcels have made this town what it is today. Putting them in one big development for one big owner to handle, to manage and to control takes away that individuality. That excuse can be used anywhere in this town. All of the streets have something that they are embarrassed about, every one of them. This Body and the Council has doubted that the eminent domain is a tool of last resort. As Mrs. Iliff said before, it is at the heart of what we feel is destructive about this redevelopment plan. It is destructive to the homeowners, to the tenants, and to the small businesses. If you vote to include those properties that don't want to be included in this plan, you are taking the first step to threatening all these property owners. Whether you want to admit it or not, that is what you are doing. Take eminent domain off the table. Page 39 of your Municipal Self Assessment Report talks about designating an area of redevelopment. Maybe there won't be as long term tax abatements, but there will be tax abatements and it takes the threat of eminent domain off the table. I think you would get more support with that than by designating it as an area in need of redevelopment. Lastly, these lawyers have clearly shown you that this report is flawed and that is putting it nicely. After hours of testimony we agree you need to improve this town. We don't agree that we need to have a bogus blight designation that is insulting and stigmatizing these properties. We urge you to vote your conscience because as a registered voter for the last 30 some odd years I plan to in May and next May and the next May. Thank you.

Daniel Scrowcroft, 31 Sparta Avenue, sworn. Requested to be removed from the list. I bought the house in 1995. It was greatly overgrown and weeded in 1995. I bought it and chose the location because of where it is located. I planned on getting married and having young kids and I did. My kid goes to the grammar school. Next year he is going to go to Halsted Middle School. It is really convenient and he can walk to school while my wife goes to work. Annually repair my roof. My roof is in excellent condition. I challenge you to find a better one. There is none missing or out of place. Very high end windows. They cost me over \$800 a piece to replace all the windows in the house. I will admit my driveway is in need of repair, but until recently the parking lot next to me, the Thorlabs parking lot, which went in basically overnight without me knowing. I took that as an improvement because it stopped the overflow of mud and gravel from that lot into my driveway. Maybe now I can pave my driveway. My sidewalk is in need of repair. I guess I put that off hoping the Town down the street put new sidewalks in. If you look up and down everyone needs a new one. I guess I have been hoping the Town was going to come through soon and put new sidewalks in. That's probably why my sidewalk looks the way it does. Truthfully I had no intentions on ever moving. I have about eight more years and the house will be paid off. I was hoping to just retire there and live there the

rest of my life. I have only moved once in my life and that was into that house. I would like to ask that it be removed from the list. Thank you.

Bob Bresner, 11 Woodridge Court. My house is for sale but I intend to stay in Newton. I don't live in the redevelopment areas but as a citizen I think I have a say to the Board. Like Mrs. Iliff said it's not just the commercial properties that are involved here, there are residential properties. If you are going to take some properties out because they are more pristine or more valuable or this or that, I don't think it is fair to some of the homes that are worth less or not as pristine. They are all part of our neighborhood and it is a symbiotic relationship with each other. The children will go to Camp Iliff. The people would patronize the stores in Station Plaza. You just can't take this out and leave this in. They are not going to come in and do a half acre lot and redevelop that. They need a package of land because land is really not scarce around here. Newton is very tempting for developers and it is a nice community. We have city water and city sewer that we pay a good price to have. This redevelopment study, I mean it comes up with an area that they need acreage or else a developer is not going to come in. It doesn't matter if Mrs. Iliff's property is the most pristine in the area. None of this community matters because the report could knock anything down, a little weed in the driveway. The bottom line is it is a land graph and you need land developed and they will come up with all these kinds of excuses and criteria and all. If you want you could find things in every square inch of this town. There is sidewalks missing and there is streets with holes in them. We have Abalour. What's going to happen with that? They were even talking about that. There was good intensions with that property and it's been 40 something years it's been sitting there. What is going to happen in Bankruptcy Court or whatever it is in? We had property behind Chung Bo and supposedly that is in a redevelopment and that is sitting there. That is contaminated and nothing is going on. So why are you coming up with three more study areas when you have this other baggage that we have to deal with. It's time to let it go. I mean, everybody has to be thrown out of this study. It doesn't matter if it is a commercial or residential. I don't see why my nights are wasted at these Town meetings. I sit here and listen to attorneys. They talk and they have good intensions for their client some of their input is helping the citizen but I got better things to do. I have lived here since 2005 and half of my life I am at meetings if it wasn't for a cell tower or a redevelopment for Paterson Avenue or trying to get other things done. I got better things to do. I am paying for cable TV and I never watch it. I might as well get rid of it. I mean night after night we keep coming here for this. Joe Grather is a great guy but after a while, or the other attorney, you just don't want to hear it no more. You want to get it over with and you know. I vote and I live in town. I don't appoint you to the Board you get on with your own merits or whatever you have to do but you have to remember it's what we want. Like another person said, you might not be here in a few years, but we have to deal with anything you vote on and you might be off this Planning Board next year. Whatever you come to terms with we have to deal with for the rest of our lives. I think you are going to have to refocus. We need some changes in town. Let's scrap this whole redevelopment and get rid of it all and get some new ideas that really help the citizens. You can get some more commerce, retail, and better things for the children to do in this town. There is really a lack of activities. My son plays basketball. We have parks but there could do a lot more. We need more sidewalks. We can't be nitpicking on

the sidewalks in just the study area. The whole town needs it. You know it is a walking district. I challenge any one of you to walk to school from Woodridge Court with me to Halsted or Newton High School. Some places are pretty rough. You wouldn't like it. I complain to the Town Manager about service. She does a great job. Ms. Kithcart takes my input. I see that if we talk to the Council and the Planning Board and our Town Manager things get done, but I got a lot of people here that are afraid to come up there or are a little nervous. I'm not a great speaker myself but I beyond it. You have to come up each one of you and tell them, the Board. It's not enough to come up and tell each one of you. You have to come up here and look them in the eye and tell them you do not want this. It's not the lawyers. They have enough work to do. They are not going to represent you. The Town lawyer doesn't represent you, she represents the Council. You have to do it yourself. So get up here and let them know. One at a time. We are here all night. We have been here three nights already and you just listen to the attorneys. It's our turn now. Get up and tell them we want everybody out of the redevelopment whether it is commercial or residential and that is it. Then move on. Thank you.

Edward Seger, 25 Sparta Avenue, sworn. I am here because I own 25 Sparta Avenue. That is Block 1301, Lot 24. I have been sitting here for the last couple of meetings and seen that a big broad brush has been taken and a picture has been painted with a broad brush and a lot of good has been put with the bad and a lot of the bad has been put with the good. What I am going to ask you is and I'm not looking to say to you that ten years from now I hope you are all around ten years from now and I wish you all the health and happiness. My object is to let you know to take a drive through Newton and look at some of the eye soars and that is where we should be concentrating, not painting the whole picture with a broad brush and putting a lot of good houses in the same boat. My property happens to be right behind Camp Pliff. A few years ago I resided it, put new insulated windows, the interior has been redone, and about three weeks ago I put a new boiler in, new hot water. The place inside is not bad at all. It has been painted with a broad brush and classified as blighted. This is a request and I hope you can take my property, 25 Sparta Avenue, Block 1301, Lot 24. Nothing good is going to come out of it because there's not much in front of it, which is the road, and behind it is Camp Pliff. All that area is not bad. If you want me to make some improvement, I have no problem with it. I have no problem spending some money. What I am saying to you is please look around and find a way to beautify Newton not by painting an entire area by a broad brush. Let's be objective about the whole thing. I have seen this gentleman here, Mr. Sheasley, he has classified everything like there is all kinds of health hazards happening in Newton in that area. The attorney there has also, through his cross examination, pointed out that he took a broad brush and splattered all over it. That's not fair to the homeowners in that area. Thank you.

Joseph Mayer. Just by a show of hands how many members of this Board live either in a contiguous area or within the area proposed for redevelopment or in any of the three areas? Any of you? Mr. Soloway stated: One Board member lived within the area and that's why she is not sitting on this proceeding. If you live within the area you can't sit up here. Chairwoman McCabe stated: Mr. Caffrey lived contiguous to an earlier one. Mr. Mayer questioned: Mr. Sheasley for a five minute period I heard you testify that a

mixed area usage was both a positive and a negative, could you please clarify that for us we are a little confused? Mr. Sheasley stated: It depends on the condition of the facility and also its design and arrangement. Just because something is mixed use doesn't mean it is good and doesn't mean it is bad. It is all about how it is designed and its arrangement in the community. Mr. Mayer stated: That really doesn't answer my question. Who is the arbiter of what is good mix usage and what is bad mix usage, is that you per say or is that in the Statute? Mr. Sheasley stated: I don't believe it is in Statute but it is in design principles, planning principles. Mr. Mayer questioned: But not Statute? Mr. Sheasley stated: No. Mr. Mayer questioned: So this is a completely arbitrary designation what is good mix usage and what is not mix usage? Mr. Sheasley stated: It is based on professional experience. Mr. Mayer questioned: On your professional experience? Mr. Sheasley stated: Mine as well as the firm I represent. Mr. Mayer questioned: Another question for the Board, would any of you purchase a property either in or contiguous to an area? Mr. Soloway stated: The nature of this proceeding is such that questions don't get directed to the Board. The Board sits here and assesses. The Board respectfully does not get cross examined. Mr. Mayer questioned: The law suits which will inevitably arise from these actions, and I believe the decision was reached long before we had hearings, you expect the tax payers of this town and not only the ones within the area of the redevelopment to pay for these law suits, and we know from the history of New Jersey that they can be rather expensive and it will be challenged. Mr. Soloway stated: Again, the Board doesn't answer questions. If that is a comment, that is fine. Mr. Mayer stated: I thought that it is a matter of law who would be paying for that. Mr. Soloway stated: Typically I will respond if a municipality gets sued. Yes, tax dollars would go towards the defense. Mr. Mayer stated: So the tax dollars of this town would have to pay for the law suits that would inevitably arise. My last thing is a comment. I moved here about six years ago because of the type of developments and places to live with "mixed usage." The same beige buildings and grey buildings that you see row after row of them in most of the State, which I am sure Mr. Sheasley firm had much to do with. Those bulldozed areas which became tracked homes, contemporary/modern conveniences, walkable towns, many of which come under "dilapidation." I chose not to do that. I looked for an older town with original houses that was a community and I found it here. It took good four months to find this community. I looked around and found many what you call "tracked homes," redeveloped modern homes and I chose not to do that. I am sure many people here did that also and if you turn this into a subdivision like down in Middlesex County or something, I think a lot of the people that live here or would be drawn to live here may not come. Thank you.

Tammy Westra. I am a small business owner in the area. I too am going to speak to your hearts. This community I lived in my entire life. You look around and you could go through the entire town and yes you can see areas that are in need of redevelopment. Most of the area that Mr. Sheasley studied is not truly blighted. By categorizing us and putting us under that category you put us legally in position that we may have to defend ourselves. You tell us that you don't want to take our homes. You don't want to take our businesses. You don't want to take our properties but in essence by putting this entire tract in the proposal that is exactly what you are doing. You are jeopardizing our

livelihoods, our futures for our children, our family. We have spoken to people in different communities that have gone through this and the financial strains that were put on them have basically ruined them. No one here is able to just choke up whatever debt they may have on their home and walk away with a debt. They make it sound like you will get your money back, fair market value. The people that we have spoken to there is not fair market value. If a property is worth \$850,000 and you are being taxed that and you are told that you have to take \$450,000 you have an attorney's fee of \$450,000. Out of that \$450,000 you were given for the property they keep \$200,000 because of possible contamination in the soil that is put in escrow. That is just one of the people that we spoke to that this has happened to throughout New Jersey. I know that all of your intentions are good, but by putting us in that category all together as a blanket to start to just take and kind of wipe us out and start over new. If we had a blank piece of property I'm sure Mr. Sheasley's plan would be great, but we don't have a blank piece of property. We have people here that own buildings, businesses, homes and this would be a detriment to all of us. As much as you may think that redeveloping that whole area would be helpful, it would be more of a financial burden and stress on all of us before whatever new came in. You can't throw out the baby with the bath water and that is what we are. We are all residents here. You can't throw us all out. Even though you say you are not going to do that legally by voting for this the way it is stated we all in jeopardy of losing our lives and our home. So, I ask all of you to vote with your hearts and know that you are probably, I guess I shouldn't say this, but if you were put in this position the possible benefits do not outweigh what could happen and how detrimental it could be. I am hoping that you take off the area in this block that are really truly not blighted and keep us the way we are and the areas that truly need development, we all know what they are, that you include those. Thank you.

Steve Kelmer, sworn. I missed last three meetings because I was out of State of out of the country. The question I had is the way I understand the meeting tonight is that the Town is thinking of selling off the right of way that they now own. Is that true? Mr. Soloway stated: The purpose of this proceeding is for the Board to make a finding as to whether it should recommend to the Town Council that all or any portion of the study area should be designated as an area in need of redevelopment. That's it. Mr. Kelmer stated: It might be 10, 15 or 20 years from now that passenger rail service would come back to Sparta and Newton would be the next stop. I don't think the Town should sell that off. When it is possible, the passenger service could come back to Newton at some time. The rail bed is still there. My question to Mr. Sheasley is that he stated that there is hazardous pedestrian conditions on Diller Avenue at the moment? Mr. Sheasley stated: Yes. Mr. Kelmer questioned: Wouldn't any development on the west side of Diller Avenue just add to the hazard? Mr. Sheasley stated: No not if the pedestrian spaces were treated the right way. Mr. Kelmer stated: Do you know the traffic count on Diller Avenue right now? Mr. Sheasley stated: Not off hand. Mr. Kelmer stated: It is approaching 9,000 cars a day. Thank you.

Meg Penny, 21 Sparta Avenue. Sworn. I can also attest to the many sleepless nights and the heartache that my family has felt trying to wrap our heads around the possibilities that come with having our home included in the redevelopment area. My husband and I

purchased our home in 1999. We purposely picked a property in the location where we live because we liked the neighborhood. We liked that it was close to town and close to things that we could walk to. It was just the right size for us to maintain as a small couple looking to start a family in our home. Is our home small? Is it on an undersized lot? I'm sure it is. It is 110 years old. It wasn't considered small and undersized when it was built. I can tell you when we moved there I really didn't think we would be there eight or nine years that we have already lived there. We thought it would be a starter home and we would eventually move into something larger as our family grew. We have grown to really love that house. We love our neighbors. We love our neighborhood. My son is in the school district. We are very happy there. I can't even think about how hard it would be to move, but the reality is actually I may be in a different boat than some other people because as much as I love our home our family is growing. There is a prospect that we would like to move sometime in the near future if finances allowed. It would be nice if we were able to move to a bigger house. What we face if our house is included in the redevelopment plan is the inability to sell our home if we wanted to because I think it is viewed for an investment risk for anyone who would be interested in purchasing it. That is illustrated by our neighbors who own Moonlight Imaging next door at 19 Sparta Avenue. They have lost out on a few perspective deals with their property because of this redevelopment and proposal. One to Theresa Iliff who was here earlier who has an established business. There you are. It wouldn't even be a risk for her to buy a property and be starting up a business but she was advised by counsel that it might be a risky investment. I think including these homes on the redevelopment plan puts people at a hardship to be able to sell their homes if they need to. A very realistic scenario for a lot of people in the type of job market that we face right now is that people may need to relocate to find more gainful employment. That may mean moving closer to a job that is further away and the ability to sell their home if they needed to pick up their family and find work is impacted by being included in this redevelopment area. One of the other things I wanted to bring up is the actual area where our home is located if you don't mind me pointing out on the map. My neighborhood is kind of pie shaped block here on Sparta Avenue. We are hemmed in by Camp Iliff here. The cemetery is across the street. This is my little house. I don't know what the current Zoning laws are but I can tell you that if we have to have X number of feet frontage and X number of feet to our rear neighbor and X number of feet to the side there isn't anything else you can put on that plot of land if you were to take it down. I have to go so far to say that our property is only 60 feet deep. Each of our neighbors incrementally gain another 15 or 20 feet. As you go further up the piece of pie, I would go so far as to say that even these four properties here could not be realistically developed if they were to be included in the area other than as a parking lot or something for a joining business that were to be put up which I think they would just be adding to the impervious surfaces that we heard about in the report that are a detriment to the community. So, I respectfully ask that my home and my neighbors homes be removed from the redevelopment plan especially because our property does abutt some lovely property in the town that clearly doesn't require redevelopment either. I don't understand why these homes have been included but I can only speak for my own piece of property. To me just from a realistic point of view I don't see what else can be done with that plot of land. I just ask for you to vote your heart to please put people out of their misery having to be concerned about this situation.

Put our minds at rest and let us keep our homes and do with our property what we want to do with it. Other people that I have spoken to not only are worried about the eminent domain factor but because the town has moved rather slowly on the two other areas that has previously been adopted as areas in need of redevelopment. It is a cause of apprehension for people. Once we are included in the redevelopment, how long are we going to be hanging out there that you don't know and that you don't want to make upgrades and improvements to your property. It would be a great investment if you are planning on being there for the next 30 or 40 years. If in 10 years if somebody is going to come and offer you fair market value at what could be a depressed market you might not get the money that you put in to add something nice to your house or to upgrade your siding, windows, or roof whatever it is. It makes people apprehensive to make improvements to their existing property. I think that diminishes their quality of living to have to double think what they want to do in their own homes not be able to make purchases, make upgrades, repairs and whatnot to their homes because you don't know if you are throwing money out the window. I ask you please vote down the area of redevelopment in the Railroad District. Thank you.

Susan Murray, sworn. I have lived in Newton for almost 25 years. I really have come to love this town. I think I knew that for many years but with all of these hearings etc. going on it really has come to the forefront. I have lived here long enough to remember when some of the Historic character of Newton was not really focused on. I am very pleased with what has been done with Historic Preservation and the steps the Town is taking to revitalize the downtown. However, in light of all of these studies for possible designation in need of redevelopment I find myself having some very cynical thoughts. First I should say that Newton has definitely character. That is great. It has a wonderful character and a wonderful flavor. I have had these cynical thoughts lately as to whether in the minds of at least some of the Planning Board members perhaps that character of Newton is being equated with the downtown Historic District solely and if you are outside of that district we are being prepared for being reshaped, remolded, and redefined into something other than the town that I know and that I want to live in. Thank you.

Gerard Rosa. For a year and a half I spent fixing up my house probably putting about \$20,000 into work that I have done and in order to improve the value of the home to make a profit on the home and re-buy in Newton to move to a different area. Now I am faced with who is going to buy a house that is in the newspaper everyday for redevelopment and with no answers from the town on what they are exactly going to do so you can pass that along to real estates and perspective buyers of what the new people will be faced with instead of walk away and go to a house that is not in a redevelopment zone. So, I spend \$20,000 in the last year and a half and I am probably not going to be able to sell my house this spring like I wanted to do. If you drive around Newton, I know everybody says this and it sounds like a broken record, I can challenge you, I can drive with you and I will take pictures if you want. I can pick out probably 50 houses in one day that look ridiculous, that look like they are falling down, they look bad. But, you go into an area and you take a whole street out because it is beneficial to the builders that are in town pockets and vice versa instead of going into the individual houses and offering them ways to fix up the houses and low interest loans to get the houses with the

rest of the block. Instead you are going to do what is going to make us the money. You talk about broken sidewalks and you put new sidewalks on Spring Street and between the liquor store and bar that need a 24 hour cop sitting outside the place all the time. They don't take care of those problems. How many closed store fronts are on Spring Street with your new sidewalks. If you could drive around and look at rest of the sidewalks that are outside this area, I challenge you to walk on them in the ice, I challenge you to walk with the gravel from the road crews that haven't been cleaned up. It gets cleaned up at the middle of the summer or when the summer is almost over. I vote that you take this off the redevelopment because homeowners like me and should have sold a year and a half ago so I wouldn't have the problem I have now. Nobody is going to buy these houses. When are you going to buy them. I need to sell now. Other people that are in my position are all waiting to find out what you are doing. Take this area off the redevelopment list.

Neal Flaherty. These are our neighbors. These are the businesses that we frequent. I get my car fixed at Boonton Tire. I also use Cono's. I do frequent Newton Pizza. After these meetings I will probably stop at Seplow's Liquors. This is our neighborhood. This is already a town center. This is not in need of redevelopment. The only one who will profit from that are the developers. When you say eminent domain is only used as a last resort what you are saying with the redevelopment if these people don't sell to the price of the developer wants to give them, then they are going to be subject to eminent domain. These businesses are the character of Newton. They make Newton. We want to preserve that, not tear it down.

Luigi Baldini. I am totally against the vision plan that was presented where you are supposed to build 888 units in this town. Ms. Unhoch and Mr. Toth are talking about the water and sewer utility. How are we going to take care of 888 units and new water and sewer utility in this town? What about the kids? There will be lots of kids for 888 units. Who is going to pay for all that? A developer is not going to build new schools or new water and sewer facilities. Our taxes have gone up. I heard that redevelopment ruined people. These people are saying they don't want your vision plan or your eminent domain. I moved here so I didn't have to live in a condo or row house. That's where this town is heading towards. A lot of people in this State are going jail. I don't think redevelopment is a good thing for any town. The people don't think it's a good thing for this town.

Chairwoman McCabe closed the public portion of the meeting.

Mr. Ricciardo stated: I was asked about the length of time that an area is declared an area in need of redevelopment. There are two possibilities. First the property that is in need of redevelopment in accordance with the plan, that plan has to be adopted. Once the plan is completed and considered no longer in need of redevelopment and upon completion of the project it comes out of the redevelopment area. Second, even if the property has been declared an area in need of redevelopment and the plan is never implemented it could last for 30 years or shorter. That period of time is designated by the governing body. It could be as little as 10 years. I recommend to this Board a motion that we recommend to the

governing body that they put a time limit far less than 30 years on the designation if they designate an area in redevelopment. I understand the fear of eminent domain. The governing body and Board should clarify what we intend to do and that has to be done before considering an area in need of redevelopment. It is not our intent to take anyone's house. We are including these areas in need of redevelopment so we can have the public improvements like the streets, sewer, water lines included at the cost of the developer, not the tax payer. That is the reason is we are doing this.

Eileen Kithcart stated: After hearing testimony tonight I want to reiterate what Mr. Ricciardo has said.

Mr. Ricciardo stated: Mr. and Mrs. Horvath's attorney made a compelling and convincing argument about the inclusion or exclusion of their piece and the Camp Iliff piece. It should be excluded. They stand as a benefit to this community and are very well maintained.

Mrs. Unhoch stated: I agree there are areas in this town and in this area that are in need of redevelopment. I don't think we should take people's houses and should not be at the expense of people living in their houses. I cannot vote for this plan as it stands now.

Mr. Vandyk stated: I agree with Mrs. Unhoch. I can't vote for the plan the way it is.

Mr. Soloway stated: There is not a plan before the Board. The Board is voting on whether to recommend to the Town Council that the area or any part of the subject study be designated as an area in need of redevelopment.

Mr. Ricciardo questioned: What would you exclude from what is presently being considered?

Mr. Vandyk stated: I would exclude the Station House, Camp Iliff, the row of houses on Sparta Avenue, Diller Avenue.

Discussion ensued.

Ms. Kithcart stated: No plan can be adopted by the Town Council without public input, particularly from the residents involved in the plan.

Mr. Ricciardo stated: We need to determine what areas in this proposed area need of redevelopment. We should agree on the areas that are and look at the areas that are left and determine if they should be or should not be included.

Mr. Ricciardo went through all the properties.

Moose Lodge, Block 1301, Lot 2 – Included

Station House - Eliminated
Camp Iliff – Eliminated
Right of Way area owned by the Town – Included
Diller Avenue – Included
Include all infrastructures
3 Houses on Woodside Avenue – Eliminate
Commercial on Woodside Avenue – Leave
Newton Sparta Road - Included

Mr. Soloway stated: The Board should not adopt a resolution tonight.

Mr. Ricciardo questioned: Should we do lot by lot? The Board agreed to do lot by lot.

Mr. Soloway stated: I agree that is the right way to go given the comments. If you go to the original redevelopment and start on Page A-1 that lists each property with a photograph.

Mr. Ricciardo made a motion to reconvene to a special workshop to go through the plan lot by lot on May 29, 2008 at 7:00 pm. No further notice required Mr. Caffrey second the motion.

Mrs. Unhoch made motion to Adjourn. Mr. Vandyk second the motion. The meeting was adjourned with a unanimous “aye” vote. The meeting adjourned at 10:22 pm. The next regular scheduled meeting will be held on April 16, 2008 at 7:30 pm in the council chambers of the Municipal Building.

Respectfully submitted,

**Katherine Citterbart
Planning Board Secretary**

Exhibits

Exhibit O-2 Tara Pankz, 14 Woodside Avenue, letter read and picture, Block 1101 Lot 56
Exhibit O-3 Ms. Katenstein, Block 1301, Lot 7, 9 photographs

