

**Newton Planning Board**  
**September 18, 2013**  
**7:00 PM**

The regular meeting of the Newton Planning Board took place on the above date. Chairman Le Frois read the Open Public Meetings Act and requested Mrs. Citterbart to call the roll. Katherine Citterbart, Board Secretary, stated there was a quorum.

**FLAG SALUTE**

**MEMBERS PRESENT:** Mrs. Mattingly, Mr. Flaherty, Mr. Marion, Mr. Tharp, Mr. Elvidge, Mr. Ricciardo, Mr. Russo, Ms. Logan, Mr. Hardmeyer, Chairman Le Frois

**EXCUSED:** Mr. Steinberg, Mrs. Gill

**PROFESSIONALS PRESENT:** William Haggerty, Esq., of Dolan & Dolan, David Simmons, Board Engineer of Harold Pellow & Associates, Jessica Caldwell, PP, of J. Caldwell & Associates

**BOARD SECRETARY:** Katherine Citterbart

**CONSIDERATION OF MINUTES**

August 21, 2013

**Ms. Logan made a motion to approve the minutes from the August 21, 2013 regular meeting. Mrs. Mattingly seconded the motion.**

**AYE:** Mrs. Mattingly, Mr. Flaherty, Mr. Elvidge, Mr. Ricciardo, Mr. Russo, Ms. Logan, Mr. Hardmeyer and Chairman Le Frois

**HISTORIC RESOLUTIONS**

**77 High Street Associates, LLC (#HPC-3-2013)  
Block 4.03 Lot 9  
77 High Street**

Approved recommendation to remove slate roof and replace with architectural shingles also to lower roof.

Chairman Le Frois and Ms. Logan recused themselves. Vice-Chairman Mr. Marion took over.

**Mr. Ricciardo made a motion to approve the resolutions. Mr. Elvidge seconded the motion.**

**AYE:** Mrs. Mattingly, Mr. Flaherty, Mr. Elvidge, Mr. Tharp, Mr. Ricciardo, Mr. Russo, Mr. Hardmeyer, Mr. Marion

**Cellco Partnership d.b.a. Verizon Wireless (#HPC-2-2013)  
Block 7.03 Lot 8  
32 Liberty Street**

Approved recommendation to construct a pre-package gas generator on an 8' x 5' (40 sq. ft.) concrete pad and a 500 gallon above ground propane tank on a 4' x 9' (36 sq. ft.) concrete pad.

Chairman Le Frois and Ms. Logan recused themselves.

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Mr. Elvidge made a motion to approve the resolution. Mr. Flaherty seconded the motion.

**AYE:** Mrs. Mattingly, Mr. Flaherty, Mr. Tharp, Mr. Elvidge, Mr. Ricciardo, Mr. Russo, Mr. Hardmeyer, Mr. Marion

Chairman Le Frois resumed his role as Chairman.

**RESOLUTIONS**

Chairman Le Frois resumed his seat.

Mr. Ricciardo and Mr. Elvidge recused themselves.

**Newton Cemetery Company (#PBSPV-03-2013)  
Block 18.01 Lot 1, T1 Zone**

Granting preliminary & final site plan and variance relief to permit the demolition of the existing office and maintenance building and the construction of a new office and maintenance building.

**Mr. Russo made a motion to approve the resolution. Mr. Hardmeyer seconded the motion.**

**AYE:** Mrs. Mattingly, Mr. Flaherty, Mr. Russo, Mrs. Logan, Mr. Hardmeyer, Chairman Le Frois

**Mariorana Enterprises, LLC (#FSPS-02-2013)  
Block 20.05, Lots 13.01, 13.02  
104 Sparta Avenue**

Granting final site plan and final subdivision approval.

**Mr. Russo made a motion to approve the resolution. Ms. Logan seconded the motion.**

**AYE:** Mrs. Mattingly, Mr. Flaherty, Mr. Russo, Ms. Logan, Chairman Le Frois

**OLD BUSINESS**

None

**NEW BUSINESS**

Mr. Ricciardo & Mr. Elvidge returned to their seats.

**Resolution #100-213 of The Planning Board Authorizing Investigation As to Whether Certain Properties on US Route 206 and Adams Street Should be Designated As an Area In Need Of Redevelopment.**

Ms. Caldwell stated: The Town Council has asked the Planning Board to conduct a redevelopment investigation for the McGuire dealership property and some of the surrounding properties which would include the US Post Office, 75 & 79 Main Street and Newton's Public Parking Lot #1. This resolution would authorize me to complete the studies to present to the Council starting next month.

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Mr. Hardmeyer asked: What are the advantages of this?

Ms. Caldwell stated: If it does meet the requirements and is able to be deemed an area in need of redevelopment, there are certain advantages that can be utilized within the community and the redevelopment plan. Some of the benefits are long-term tax-abatement and other methods of financing for development for the property.

Mr. Russo stated: Mr. Chairman, we prepared a resolution that Mr. Haggerty can read into the record for consideration.

Mr. Haggerty read the Resolution to authorize investigation as to whether certain properties on US Route 206 and Adams Street should be designated as an area in need of redevelopment (attached).

**Mr. Russo made a motion to approve the resolution. Mr. Ricciardo seconded the resolution.**

**AYE:** Mrs. Mattingly, Mr. Flaherty, Mr. Marion, Mr. Tharp, Mr. Elvidge, Mr. Ricciardo, Mr. Russo, Chairman Le Frois

**Cellco Partnership d.b.a. Verizon Wireless # (HPC-2-2013)  
Block 7.03 Lot 8  
32 Liberty Street**

Application proposing to construct a pre-package gas generator on an 8' x 5' (40 sq. ft.) concrete pad and a 500 gallon above ground propane tank on a 4' x 9' (36 sq. ft.) concrete pad.

Chairman Le Frois recused himself and handed the meeting over to Vice-Chairman Marion.

Mr. Michael Beck, Esq, represented the applicant. The application tonight is seeking approval for amended site plan with design waivers to supplement an existing wireless communication facility at the building which is a stand-by generator and to be located on an 8' x 5' concrete pad. Along with that would be a 500 gallon propane tank on its own 4' x 9' concrete pad. The proposed location for the propane tank and generator is adjacent to the parking lot. Additional landscaping is proposed around the generator and propane tank and the whole system will be protected with bollards because it is adjacent to a parking lot.

The owner of the property is the Housing Authority of the Town of Newton. Additional approvals from Sussex County Planning Board, dated July 17, 2013, deemed this application to be exempt from their review. This Board just memorialized the resolution of the August 19, 2013 Town's Historical Preservation Advisory Commission.

**SWORN: Anthony Suppa, Licensed Engineer in the State of New Jersey, licensed is current.**

The Board accepted Mr. Suppa's credentials.

Mr. Ricciardo asked: Why did we go propane rather than a diesel generator?

Vice-Chairman Marion asked: Why not hook up to the natural gas lines for the generator?

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Mr. Suppa stated: The diesel was ruled out based on HUD restrictions on using diesel fuel. Natural gas was ruled out for a couple of reasons. There was not enough gas pressure in the street. There is an existing generator on site now that is not being used for that same reason. The third alternative that Verizon goes with when 1 and 2 don't work is propane.

Mr. Ricciardo asked: The existing generator is not operable because of the gas pressure?

Mr. Suppa stated: I believe so.

Mr. Tharp stated: It looks like a new generator.

Mr. Suppa stated: It is our understanding as well. That generator was to be utilized for the HUD building. Even if it was operational Verizon Wireless does not tie into other generators. They like to have a stand-alone system that their technicians are familiar with. Even if it was working, there would be 99% likelihood that Verizon would be proposing their generator.

Mr. Tharp asked: Did you have any conversations with the gas company with the pressure situation. Will it be remedied?

Mr. Suppa stated: I didn't have a conversation. When that situation occurred, the only way to remedy that situation is to modify the generator or add a booster pump. It is very expensive.

Mr. Beck stated: Verizon is a lessee from HUD. That was one of our questions as well. We knew in showing the HUD generator on our plans; which we did; there would be these questions from the Board; why aren't you using it? It is our understanding that it is not functional. There may even be current or contemplated litigation regarding that installation between HUD and who performed that. They are not happy that it does not work.

Mr. Tharp asked Mr. Simmons if he knew anything about it.

Mr. Simmons stated: We had a preliminary meeting with the Technical Review Committee and they went through the criteria that HUD had as far as using the generator from Verizon. We did not get involved with the generator for the facility itself so the answer to your question is no, I do not know anything.

Mr. Ricciardo asked: What verification do we have that the generator is not operable?

Mr. Simmons stated: When I went to the site it looked like a brand new generator and I didn't pursue that any further because it wasn't part of this application.

Mr. Ricciardo asked: Verizon would not try to tap into that generator?

Mr. Beck stated: In every case where Verizon is proposing a generator, even if there are existing generators on site, they use their own. Verizon is formerly of the Bell Telephone Companies and they really believe in making their systems efficient, functional and stand-alone. One of their biggest things is reliability with regard to their systems. That is why we have this type of proposal this evening. They are trying to add further reliability to their system by putting back-up power at

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every site that they can. It is my understanding that Verizon has backup generators at approximately 70% of its sites across the State of New Jersey. This is part of a state-wide and company-wide policy to put back-up generators to increase the reliability at all their sites.

Vice-Chairman Marion asked: So if this is approved, will there be two generators on site with a propane tank or will someone be removing the existing one?

Mr. Beck stated: I do not know what HUD will do with the existing one. Presumably they have a brand new generator that they want to be functional. Verizon Wireless is proposing its own generator, its own fuel source and their technicians to work on this.

Mr. Suppa stated: The Verizon generator is monitored 24/7 by alarms. In case there is a problem they will get an alarm that the generator is not working and they will come out and fix the generator. The other carriers use battery backup. Verizon is really the only carrier that uses a generator. There are about 30% of sites that don't have a generator. That is what we are doing now, going back and putting generators in.

Mr. Tharp asked: Since they can only test it when the air quality is good it couldn't be on timers, correct?

Mr. Suppa stated: They work it both ways.

Mr. Tharp asked: Don't they have to make a log of it because if you are inspected by State or Federal Government they will check to see it was tested during a day when the air quality is good?

Mr. Suppa stated: They do check the air quality but they also have their policy to exercise the generator during normal business hours. They will not do it during the night or on weekends.

Mr. Tharp asked: Is that remote started through your telecom system or does someone need to show up to push a button?

Mr. Suppa stated: It is started by a remote and what we are told is at the same time they make sure it meets the air quality as well. If there is a problem, they will delay the exercise.

Mr. Beck stated: That is one of the questions from Mr. Simmons and Ms. Caldwell's reports when are they exercised? Typically it is between 10 AM and 2 PM on Tuesdays. Mr. Suppa stated that is correct.

Mr. Beck asked: How long are they exercised on a weekly basis?

Mr. Suppa stated: 30 to 60 minutes.

Mr. Beck stated: Outside of an emergency situation, it will be once a month that the generator will be exercised.

Mr. Ricciardo asked: On Sheet Z3, why did we pick that location for the new generator?

Mr. Suppa stated: Looking at drawing Z3 last dated 8/27/2013, Verizon Wireless calls this a building site. They don't have a tower here. The equipment is inside the building and the

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antennas are on the building. The site is already there. It is running and it is operable. This is one of the sites that fall into the 30% that Verizon says we need to get standby power here. Because it is a propane tank it has to be 10 feet from a residence or 10 feet from an ignitable source so we do have some limits on where we can put it, so it is located in the rear yard behind the parking lot. The generator and the propane tank will be on separate concrete pads. We are going to add 12 white pines to screen it and soften the noise a little. The noise from the generator will be 52 db at the property line. Generators are no longer regulated by the DEP in an emergency situation. They do not have to meet any noise standards during an emergency situation. But when we test it, it has to meet the daytime noise standard which is 65 db. It will be much less than that at the nearest property line. That is why we chose that location. The conduit will run from the building underground to the generator and then the conduit will run from the propane tank underground to the generator.

Mr. Beck stated: I also mentioned in my opening there will be bollards placed around the systems.

Mr. Suppa stated: That is correct. Bollards to protect it from the traffic since we are close to a parking lot.

Mr. Hardmeyer asked: What is the equivalent noise of 50 db? Similar to a lawnmower?

Mr. Suppa stated: If you look at the chart, it is the same as people talking. A lawnmower is much louder than that.

Mr. Marion asked: What is the height of the generator and propane tanks?

Mr. Suppa stated: The generator is 6 feet 7 inches and the propane tank is going to be 3 feet.

Mr. Ricciardo asked: Will they be fenced in?

Mr. Suppa stated: We have pines going all around. If the Board would like us to fence any of it in, Verizon Wireless will be willing to do that.

Mr. Beck asked Mr. Suppa: What type of maintenance is required for this proposal and how often is the site visited by a technician?

Mr. Suppa stated: It will be visited about once a month by a technician unless an alarm goes off. The propane tank will be filled when the level gets low enough for them to come out and fill it.

Mr. Beck asked: The propane tank being proposed, is it similar in size and shape to the 500 gallon propane tank that you might see along the side of a residence that doesn't have oil, gas or electric heat.

Mr. Suppa stated: Yes.

Mr. Beck asked: What are the dimensions of the tank?

Mr. Suppa stated: 37 inches.

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Mr. Ricciardo asked: How deficient is the natural gas at that site?

Mr. Suppa stated: I don't know all the details. I just know that the pressure was low. Low enough that it wouldn't work. They would have to bring some type of booster in. A lot of the sites I do for Verizon Wireless use natural gas when we can. When we can use natural gas it is very expensive and a lengthy proposition to get it. If you don't have the pressure, it makes it almost impossible.

Vice-Chairman Marion asked: Who provided the information that it was low?

Mr. Suppa stated: I think I read it in one of the letters or one of the reports; I have never checked it out.

Mr. Flaherty stated: There is no detail on how much pressure is necessary to run neither the generator nor what the pressure at the closest main was.

Mr. Tharp stated: It seems to me the gas company would be interested in providing enough gas pressure.

Mr. Beck stated: I was here before this Board last year on solar applications for the municipal properties in the Town. You can see the meter in the hallway that is sunned by General Capital. You need very large panels in order to generate power. Is it feasible? I suppose it is, but you need to locate those large panels somewhere. I am not aware that Verizon has endeavored to do that yet.

Mr. Ricciardo stated: There are two things to consider. First, whether the natural gas is too low and second, is it far more costly to do it that way than it is to do it this way? If it is a cost factor that Verizon is considering, I would rather not have a propane tank sitting above ground in back of the parking lot. I much prefer to hear what it would take to upgrade the gas line so that it can be fed by natural gas.

Vice-Chairman Marion asked: Didn't you just make the statement that Verizon prefers to hook in to natural gas when they can.

Mr. Suppa stated: Diesel is their first preference, second is natural gas and the third is propane.

Vice-Chairman Marion stated: Why wouldn't we explore a little bit more of the natural gas?

Mr. Suppa stated: There is not enough pressure in the street.

Vice-Chairman Marion stated: But we don't know that for 100%. You are telling us that based off of a report that you read.

Mr. Ricciardo asked: A report from whom?

Mr. Beck stated: It is part of our Environmental Impact Statement that was previously submitted to the Board by ETPM prepared by Chris Lana, Telecom Environmental Manager for Verizon. They are an engineering consulting firm to Verizon that prepared the Environmental Impact Statements.

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Mr. Ricciardo stated: There is no written statement from the gas company indicating what the pressure is?

Mr. Beck stated: No. I don't believe there is a statement from the gas company.

Mr. Ricciardo stated: There has to be some correspondence from the Gas Company telling you that the generator you want to install exceeds the gas pressure that we can provide for you. I have not seen anything from the gas company stating the pressure is too low. I much prefer natural gas if it is possible.

Mr. Beck stated: So does Verizon Wireless, but their consultants and engineers who investigated it said that it is not feasible in this case. That is why we are here.

Mr. Ricciardo stated: Is it not feasible financially or it is not feasible for the gas company to boost the power with the amount of gas necessary to run the generator you are putting in? For the system that is there now; this is the only size generator you can put in?

Mr. Beck stated: Yes. They need 50 KW to run their site.

Mr. Suppa stated: I didn't work on this job from the beginning. My guess is once they found out they went right to propane.

Vice-Chairman Marion stated: We will have to go to Elizabeth Town Gas or whoever runs it to do a study to help you decide what they can do. If Liberty Towers is running on natural gas, how can they and not you? I am not sure they are 100%. I feel we need something from them why they ruled out natural gas. What efforts did they take? Did they contact Elizabeth Town Gas? Are they the ones that run it?

Mr. Tharp stated: I feel we need a little more information.

Mr. Ricciardo asked: I would like to know why the new generator at the Housing Authority Building is not functioning properly or is it functioning at all? I would like to see something from the gas company telling me, yes, the gas line is insufficient to provide the pressure that they need to run this new generator and what are the solutions? Can they increase the size of the gas line? I just want to know that there is nothing the gas company can do for them to run that generator. In my opinion, we need some more information from Verizon and the necessary research from the gas company that will guarantee us that there is not enough pressure in the street. I don't know how you want to proceed with this?

Mr. Beck stated: Hearing the Boards' questions, it appears to me that the Board is not ready to rule on this application this evening without additional information. I recommend we carry the application to the next available meeting. As which time, we will come back with more information with regard to the specifics as to the gas generator and why the 50 KW generator would not work with natural gas.

Mr. Tharp stated: In this Environmental Impact Statement, it said the location of the generator was picked because of the HUD management and they selected the sight.

Mr. Beck stated: Yes, HUD directed Verizon where an acceptable location would be. And this was an acceptable location.

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Vice-Chairman Marion stated: I was reading Mr. Simmons's report and there was a proposed parking spot or driveway several years ago and this would this be right in line with that?

Mr. Simmons stated: It is not right in line where the access drive is proposed off Thompson Street several years ago, but it would be fairly close to the return where it would intersect with the parking lot. The Housing Authority never constructed that access drive. But I wanted to bring it to Verizon's attention and also make sure that there wasn't going to be any further plan to reactivate that driveway so two would be in conflict since I knew about it.

Mr. Beck stated: In response to that, Verizon Wireless had one of their leasing and site acquisition consultants reach out to HUD and HUD has confirmed that they have no intention to building the access drive.

Vice-Chairman Marion stated: It could potentially be an additional expense down the road.

Mr. Beck stated: HUD has entered into a lease agreement with Verizon Wireless for the specific space. It is shown on the plans. HUD has confirmed that they have no plans of constructing the access route.

Mr. Ricciardo stated: When you say HUD do you mean the Newton Housing Authority?

Mr. Beck stated: Yes. The Housing Authority of The Newton and that is what I am referring to.

Mr. Hardmeyer asked: If you went to natural gas, could the location be modified?

Mr. Suppa stated: Yes, it could be somewhat modified if the Housing Authority would enter into a lease. From an engineering standpoint it could be modified somewhat in relation to the Verizon equipment room and the fact that you don't need refueling. Again, though we have a landlord.

Mr. Ricciardo stated: When it was presented to the Housing Authority were they told to put a propane tank on site along with the generator? Is that the way it was presented to them or were they presented with it being a gas-fired generator and not telling them they needed a propane tank?

Mr. Suppa stated: If you mean the initial presentation, no, I do not know how it was presented.

Mr. Ricciardo stated: It would come to my mind that if it was presented that you had to put the propane tank with it, they would pick a spot far enough from the building but if it had natural gas, it could be much closer to the building.

Mr. Suppa stated: From engineering view point, yes.

Mr. Ricciardo asked: Could we have Mr. Simmons verify with the gas company what the psi is in that line and what can be done to boost it? Would the Board agree to that?

Vice-Chairman Marion stated: Yes, that would be important.

Ms. Caldwell stated: One thing I noted in my report was I found a Design Standard Waiver under Section 320-30E11. The way the Ordinance is written it is more for cell towers construction vs. something like this that is on the building. Part of the Design Standard Waiver is for the generator

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to be within the structure that is associated with all the other equipment for that tower. In this case, since you are not within that structure, it requires that you have a Design Standard Waiver.

Mr. Beck stated: Right, the only reason that we are here this evening for site plan approval for this particular generator application is because there is not an existing compound. The Municipal Land Use Law was amended over a year ago to provide for equipment such as this to be exempt from site plan review in Section 40-55D-46.2. It exempts wireless equipment from site plan review if there is an existing compound. It really contemplates a tower, just like your Ordinance, that has a fenced compound at the base where you put all the equipment in it. Generators are contemplated in the Municipal Land Use Laws as part of these applications but again since there is not an existing compound, we are here for site plan review and since there is not an existing compound we will seek that Design Waiver as well.

Mr. Ricciardo questioned the sound decibel is 52 which is two points above 50, is that correct?

Ms. Caldwell stated: I wanted to point it out that it says 50 and you are at 52.

Mr. Suppa stated: The State Regulation is 65 during the day and 60 at night.

Ms. Caldwell agreed.

Mr. Simmons stated: My only concern is if the applicant is going to explore moving the generator and its components any place else on the site that they be aware there is some existing storm drainage, and I noticed some easements and sanitary sewer lines on site. I just bring that to the attention of applicant's engineer so that they are aware of that.

Vice-Chairman Marion asked: If it does work with Elizabeth Town Gas, will you come back with information on a natural gas generator?

Mr. Beck stated: Verizon Wireless has already investigated the gas. We were not aware that you wanted specifics to the pressure in the lines. We will come back with that engineering detail and then if it is functional, your heard Mr. Suppa say, it is diesel first, natural gas second and propane third. If it works for Verizon we can amend our application. If not we will come back with the same application and give our details as to why it does not work. I would prefer to carry it to the next available meeting of October 23, 2013.

Vice-Chairman Marion stated: There was an error in the notice because it should have said 500 gallons not 50 gallons so the application will not be the same. The applicant will come back to the Oct. 23, 2013 at 7 PM and re-notice.

**First Public**

Ed Gannon, 11 Linwood Avenue stated: I am here tonight as a private citizen. I say that for the record because I hold public office and wouldn't want anyone to be confused about that. First, I wasn't planning on coming here tonight to hear the application because I saw that the application had to do with a 50 gallon tank. Now we have heard tonight that it will be a 500 gallon tank. It makes a big difference for me and I am glad I walked down here. I feel that everyone in the vicinity should be re-noticed as to the fact that there is a 500 gallon tank being proposed. Secondly, I have not heard anyone mention that there is a geo thermal well on that property that was dug to provide heat there. So you have geo thermal, the natural gas and now this proposed propane tank all of which seem to be a recipe for disaster if something goes

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wrong. I just wanted you to be aware of that and it should be addressed by someone in some capacity before this application is approved.

**2nd Public**

Bill Deckert, 79 Madison Street, we own the property at 22 Liberty Street. The 50 gallon and the 500 gallon is the primary reason we are here. Ironically as timing would be, they put new gas lines down Madison Street. In discussion with one of the supervisors, as we are converting to natural gas, he said that the old lines that were in there, if you are drawing on Thanksgiving, Christmas, etc., they are not sufficient. Also, in putting in a new unit in our house you have the option of a tank or instant hot water. He said the instant hot water would not work under the old lines. They've put the new lines in and told us that we will have more heat efficiency from the gas then we would ever use. I am taking about a residential house. Where Elizabeth Town Gas already had a line in maybe it will be worth exploring how far they would have to go to get new lines and the cost and oppose to putting 500 gallons tank in this particular unit. I think this is worth exploring.

**Vice-Chairman Marion stated: We will carry this to October 23, 2013 at 7 PM. Notice required.**

Mr. Tharp stated: I would like some more information on the generator that is there now. Why they can't use it, if that is the case.

Mr. Simmons stated he would follow up.

**Mr. Ricciardo made a motion to carry the meeting to October 23, 2013 at 7 PM with renounce. Mr. Russo seconded the motion.**

**AYE:** Mrs. Mattingly, Mr. Flaherty, Mr. Tharp, Mr. Elvidge, Mr. Ricciardo, Mr. Russo and Vice-Chairman Marion

**DISCUSSION**

**Weis Market, Inc. (#143 9#PBPFV-01-2012)**

Mr. Simmons stated: Weis Market, Inc. came in a couple of years ago and received preliminary and final site plan approval to make upgrades to the façade of their building to change the vestibule out front and some miscellaneous site improvements. When we were reviewing the plans, we wanted to make sure that things were variance free. One of the issues that came up was the number of parking spaces that they had shown on their plans. In order to eliminate that issue all together it called for restriping the parking spaces on the north side of the building where G & H was, and getting the additional two or three spaces making that whole issue a moot point. After the completion of all the construction, the applicant hired a consultant out in Pennsylvania to do an As-Built, supplied them with information on the existing utilities that went through the property and easements that were obtained over the years. I was there one time doing some shopping and I did a preliminary count on the parking spaces and I was two or three short. I looked around and what happened was they added some additional cart corrals which took up some additional parking spaces that they didn't have. When that came about, I spoke with Mr. Soloway and what we were going to suggest to the Board if the Board saw fit because the reality is if they had to get those parking spaces back they could always take the front-end loader pick them up and move them out of the way and the parking spaces are back.

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We wanted to memorialize that somehow and if the Board will recall for example up at Barn Hill when we had the issue of painting the bricks for the façade work, the Board had me write a letter to the applicant and put it in the file what we found, what the Board discussed, what was proposed and rectified and that the Board approved it. We were going to handle it somewhat similar to that subject to the Board's approval.

Well, a week before last month's meeting it was brought to my attention that the applicant also took about another six parking spaces and put a red metal structure over them and has instituted some sort of a call and pick up your groceries when you get there to the site. Again, that was something that was not on the original site plan and occupies six more parking spaces plus some additional signage, traffic patterns, etc. I am not saying it is a bad idea but it was never approved by anyone. The concern I had when I explored this with Mr. Soloway was whether the Board still wanted to handle it by having some sort of letter addressed to the file acknowledging that it was done and approving it that way or do you want the applicant to come back and make a presentation before you and get a more formal approval from the Board?

Mr. Haggerty stated: I spoke with Mr. Soloway about that. Obviously, there are lots of parking spaces at Weis and it has never come close to being full so I don't think the number of spaces is a problem but the on-line shopping structures could affect traffic circulation, safety and site distances, etc. It should be reviewed and cleared by the Board. I recommend they come in for amended site plan approval to show exactly what they have done on the site and get it documented so it is in the file.

Discussion ensued on the parking spaces and corrals.

Chairman Le Frois stated: The Board agreed it sounds like to the degree that they have changed things to what we had approved a few years ago, is pretty significant so they should come in and talk about it.

Chairman Le Frois requested Mr. Haggerty to do a letter to Weis.

Chairman Le Frois addressed the correspondence.

**EXECUTIVE SESSION**

**NONE**

**PUBLIC PORTION**

**NONE**

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ADJOURNMENT

Mr. Ricciardo made a motion to adjourn the meeting. Mr. Marion seconded the motion. The meeting was adjourned at 8:15 PM with a unanimous "aye" vote. The next regularly scheduled meeting will be held on October 23, 2013, at 7:00 PM in the Council Chambers of the Municipal Building.

Respectfully submitted,

A handwritten signature in cursive script that reads "Katherine Citterbart". The signature is written in black ink and is positioned above the printed name and title.

Katherine Citterbart  
Planning Board Secretary

**RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF  
NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY  
AUTHORIZING INVESTIGATION AS TO WHETHER CERTAIN  
PROPERTIES ON US ROUTE 206 AND ADAMS STREET SHOULD BE  
DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Act"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment in accordance with the Act, including Section 5 thereof; and

WHEREAS, the Town of Newton has adopted Resolution 100-2013 authorizing and directing the Planning Board to investigate whether the following parcels with frontage on either US Route 206 or Adams Street, identified on the official tax map of the Town as Block 8.08, Lots 6, 7, 8, 9, 10, 11, 29, 30 and 31 (collectively, the "Study Area") meet the criteria established by the Act;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Town of Newton as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** J. Caldwell and Associates, LLC is hereby authorized and directed to prepare an investigation report to the Planning Board pursuant to *N.J.S.A.40A:12A-6* as to whether all or a portion of the Study Area satisfies the criteria set forth in the Act, including *N.J.S.A.40A:12A-5*, to be designated as an area in need of redevelopment, and further to prepare a map showing the boundaries of the Study Area and the location of the various parcels contained therein.

**Section 3.** After due notice in accordance with the Act, the Planning Board will conduct a public hearing as to whether all or a portion of the Study Area should be designated as an area in need of redevelopment, and shall thereafter make recommendations to the Town as to whether the Town should designate all or part of the Study Area as an area in need of redevelopment.

**Section 4.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

**Section 5.** A copy of this Resolution shall be available for public inspection at the offices of the Planning Board Secretary.

**Section 6.** This Resolution shall take effect immediately.