

**Planning Board Meeting**  
**January 16, 2008**  
**7:30 P.M.**

The regularly scheduled meeting of the Planning Board took place on the above date. Chairman McCabe read the Open Public Meeting Act and requested Board Secretary Ms. Citterbart to call the roll. Answering the roll were: Mr. Ricciardo, Mr. LeFrois, Ms. Unhoch, Ms Kithcart, Ms. Fowler, Mr. White, Mr. Caffrey, Mr. Vandyk-Absent, Chairwomen McCabe. Representing the Board was Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider. Board Secretary Citterbart stated there was a quorum.

Chairwoman McCabe stated the first on the Agenda, **Reorganization**. Ms. Unhoch made statement: Last year the Town Council recommended that the post of Chairman for the various committees, commissions and Boards be rotated on a year to year basis.

Mr. LeFrois made a motion to nominate Ms. McCabe as Chairwoman for the year 2008. Ms. Fowler second the motion. The floor was open for discussion and closed. Mrs. McCabe was approved by a "aye" vote: Mr. Ricciardo, Mr. LeFrois, Ms Kithcart, Ms. Fowler, Mr. White, Mr. Caffrey. Abstentions: Ms. Unhoch

Chairwoman McCabe made a motion to nominate Mr. LeFrois as Vice-Chairman for the year 2008. Mr. Ricciardo second the motion. The floor was open for discussion and closed. Mr. LeFrois was approved by a unanimous "aye" vote.

Chairwoman McCabe made a motion to nominate Mr. White as Assistant Vice-Chairman for the year 2008. Mr. Caffrey second the motion. The floor was open for discussion and closed. Mr. White was approved by a unanimous "aye" vote.

Ms. Kithcart made a motion to nominate Mrs. Citterbart as Board Secretary for the year 2008. Mr. Ricciardo second the motion. The floor was open for discussion and closed. Mrs. Citterbart was approved by a unanimous "aye" vote.

Mr. Ricciardo made a motion to nominate Mr. David Soloway, Esq. of the firm Vogel, Chait & Schneider as Board Attorney for the year 2008. Ms. Unhoch second the motion. The floor was open for discussion and closed. Mr. David Soloway, Esq. of the firm Vogel, Chait & Schneider was approved by a unanimous "aye" vote.

Board Secretary Mrs. Citterbart asked Chairwoman McCabe if Mr. Kienz would be able to finish the matter regarding the Loughran subdivision. Chairwoman McCabe stated: Yes, Mr. Kienz may stay on the subdivision.

Ms. Unhoch made a motion to nominate Mr. David Simmons of the firm of Harold Pellow & Associates as Engineer for the year 2008. Mr. Ricciardo second the motion. The floor was open for discussion and closed. Mr. David Simmons of

the firm of Harold Pellow & Associates as Engineer was approved by a unanimous "aye" vote.

Chairwoman McCabe made a motion to appoint the New Jersey Herald and New Jersey Sunday Herald as the Newspapers of Record for the year 2008. Mr. White second the motion. The floor was open for discussion and closed. The New Jersey Herald & New Jersey Sunday Herald were approved by a unanimous "aye" vote.

Mr. Ricciardo made a motion to nominate Jennifer Caldwell, P.P., A.I.C.P. from the firm of Harold Pellow & Associates for Town Planner for the year 2008. Ms. Unhoch second the motion. The floor was open for discussion and closed. Jennifer Caldwell, P.P., A.I.C.P. from the firm of Harold Pellow & Associates was approved by a unanimous "aye" vote.

Mr. Ricciardo made a motion to approve Meeting Dates for 2008. Ms. Fowler second the motion. The floor was open for discussion and closed. The meeting dates were approved by a unanimous "aye" vote.

January 16, 2008  
February 20, 2008  
March 19, 2008  
April 16, 2008  
May 21, 2008  
June 18, 2008  
July 16, 2008  
August 20, 2008  
September 17, 2008  
October 15, 2008  
November 19, 2008  
December 17, 2008  
January 21, 2009

Next item on the Agenda was Consideration of Minutes, September 19, 2007. Ms. Unhoch made a motion to approve the minutes. Mr. Ricciardo second the motion. The motion to approve the minutes was carried by a unanimous "aye" vote.

Consideration of Minutes, October 15, 2007. Mr. Ricciardo made a motion to approve the minutes. Ms. Unhoch second the motion. The motion to approve the minutes was carried by a unanimous "aye" vote.

Consideration of Minutes, November 29, 2007. Mr. Ricciardo made a motion to approve the minutes. Ms. Unhoch second the motion. The motion to approve the minutes was carried by a unanimous "aye" vote.

Next on the Agenda was **Historic Resolutions**, there was one. **Resolution # 2007-018, Cliff Burbaum, Liberty Tax Service.** Property Location: 83 Spring Street. The applicant was granted approval for a sign to consist of lettering stating "Liberty Tax Service" in black anodized aluminum pin mounted no larger than the existing Cochran House lettering. Liberty head to be pin mounted in anodized copper or blue anodized aluminum with a small face mounted light beneath the liberty head providing external illumination.

**Ms. Unhoch** made a motion to approve **Resolution # 2007-018, Cliff Burbaum, Liberty Tax Service.** **Ms. Fowler** second the motion. Board Secretary **Ms. Citterbart** called the roll. Answering the roll were: **Mr. Ricciardo-yes, Mr. LeFrois-yes, Ms. Unhoch-yes, Ms. Kithcart-yes, Ms. Fowler-yes, Mr. White-yes, Chairwomen McCabe-yes.**

There are no **Resolutions, Old Business, or New Business** for consideration.

There is a **Redevelopment Investigation and a Public Hearing** scheduled regarding the **Railroad District**, including **Block 1101, Lots 50.01, Lot 59, Lot 58, Lot 56, Lot 55.01, Lot 55; Block 1104, Lot 10, Lot 11, Lot 14.01, Lot 16, Lot 19, Lot 22; Block 1301, Lot 1, Lot 1.01, Lot 1.02, Lot 1.03, Lot 1.04, Lot 1.05, Lot 1.06, Lot 2, Lot 3, Lot 5, Lot 6, Lot 7, Lot 8, Lot 10, Lot 11, Lot 12, Lot 13, Lot 14, Lot 15, Lot 16, Lot 17, Lot 18, Lot 19, Lot 20, Lot 21, Lot 22, Lot 23, Lot 24, Lot 25, Lot 26, Lot 27; Block 1308, Lot 1, Lot 1.01, Lot 1.02, Lot 10, Lot 11, Lot 12, Lot 13, Lot 14.**

**Ms. Fowler** recused herself. **Bob Caffrey**, first alternate, took her place.

**Chairwoman McCabe** stated: **Newton** just received designation from the State of New Jersey as a **Main Street Committee.** There was a nice feature about **Newton** in the **New York Times.**

**Mr. Ricciardo** commented: Just because **Ms. Kithcart** is the **Town Manager**, and I am the **Deputy Mayor**, we are all volunteers. We have no financial interest. We have the same intentions as everybody here has.

**Mr. Sheasley** stated his background: **Ross Sheasley** with **A. Nelessen Associates**, **Masters in Community and Regional Planning**, **Rutgers University**, 2000, **Licensed Professional Planner** in **New Jersey** since 2005. Employed with **A. Nelessen Associates** for 7 years.

**Mr. Soloway** questioned: Does the Board have any questions for **Mr. Sheasley**? Does the Board accept his qualifications? **Mr. Ricciardo** stated: Yes, we accept his qualifications.

**Mr. Sheasley** stated: We were asked by the **Planning Board** to complete an investigation to determine whether certain parts of **Blocks 1101, 1104, 1209, 1308**, and the whole of **Block 1301** should be designated as an area in need of **Redevelopment**

pursuant to the local Redevelopment and Housing Law. The study area includes 55 parcels and 4 tax blocks. The parcels to be studied front on Lower Spring Street, Diller Avenue, Sparta Avenue, and Woodside Avenue and are currently made up of residential, commercial and light industrial uses. There is also special development district within the study area. The development of the area is historically tied to the railroad with the former railroad right-of-way of the Sussex Railroad roughly bisecting Block 1301 and Block 1308.

Exhibit A-1, Railroad District of State of New Jersey

Mr. Sheasley read his report. **Exhibit A-2, Aerial Map Study Area and Railroad District of Newton.** See report attached.

Chairwoman McCabe stated: We need a development to be announced before we proceed.

Mr. Soloway stated: As I understand it, if you go through Mr. Sheasley's report one of the factors among many that he relied upon in reaching his conclusions was improvement values and land values and they are corresponding in ratios. He has a chart on Pages 35 and 36 of his report where he has all the data for a number of properties in the study area. That is one of the factors that he relied upon under Criteria E in concluding that there was a lack of property utilization that at least some of the properties in the study area which contributed to his ultimate conclusion. He was just informed that within the last 4 days there was a re-evaluation in Newton. It was just issued by the Tax Assessor and changes those numbers of the properties he listed. Mr. Sheasley would like to look at the new numbers and update his report with the current information. We will not be able to conclude tonight. He will issue a revised report or supplement to it which will be on file and available to the public to review before this hearing resumes.

Ms. McCabe stated: There will be a special meeting on Wednesday, February 13, 2008 at 7:00 pm.

Mr. Ricciardo questioned: How much consideration was given on the Geographical Boundaries of this Redevelopment Committee and why was it finally chosen that the area was determined to be in need of redevelopment? Mr. Sheasley stated: We chose the final boundaries based on:

- a. The adjacent existing area in need of redevelopment 56 Sparta Avenue. When the original study area was examined by the Council, they were looking at the recommendations of the vision plan and looking at and improving the Spine of Newton i.e. the Spring Street and Sparta Avenue corridor. That was the basis for the first iteration and additional properties were added that were adjacent to or filled out what looked like the redevelopment area and were adjacent to the existing redevelopment area.

Mr. Ricciardo questioned: In the redevelopment area there are some newly renovated buildings, why were they left in the redevelopment area and what benefit would they

reap? Mr. Sheasley stated: They were left in because it is an area of study. It is looking at totality. They might be in good condition. It doesn't mean they will be redeveloped in the future. The benefits are future tax abatement for renovations or redevelopment they do on the site.

Ms. Kithcart questioned: You have been meeting with the Redevelopment Team for close to a year now. Do you ever recall any conversation relative to eminent domain on this area? Mr. Sheasley stated: We have had conversations on eminent domain and they were not related to the area. We have not talked about any specific properties.

Ms. Unhoch stated: That doesn't mean it can't happen. Mr. Sheasley stated: It can happen, but we have not talked about that.

Mr. Soloway questioned: One of the qualifying criteria "Criteria H" which relates to the designation of a delineated area is considered consistent with smart growth planning principles. In your opinion, if that was the only factor that would warrant conclusion of a particular property in a redevelopment area would you include it? Mr. Sheasley stated: Yes, I would. I don't believe that inclusion in a redevelopment area does not mean a parcel is going to be redeveloped.

Mr. Ricciardo questioned: How much weight does the approval of redevelopment area or plan of being consistent with smart growth program carry with the approval of an approval of a redevelopment plan? Mr. Sheasley stated: A lot of weight.

Chairwoman McCabe opened the floor to the public.

Mr. Joseph Grather, Attorney. I will defer all my questions until afterwards in order to give time to review Mr. Sheasley's updated report. I wanted to place on the record an objection to these proceedings based upon a pending cases in the New Jersey Superior Court Appellate Division with Harrison Eagle vs. Town of Harrison to submit briefs on January 8, 2008 which argue that the notices issued violate the New Jersey Constitution.

Mr. Ricciardo questioned: Are you making that objection based on your clients? Mr. Grather stated: The clients I represent. Mr. Ricciardo questioned: Who are those clients? Mr. Grather stated: Catch Water Properties LLC - Block 1104 Lot 14.02, McCambridge - Block 1301 Lot 7, Biser - Block 1301 Lot 22 and Duckworth Block 1301 Lot 23. I wanted to amend the letter to represent Iliff Realty LLC.

Joseph Pojanowski. Attorney for Pojanowski and Chewinski in Clifton, New Jersey. I represent Peter and Joanna Horvath, Owners of Station House Plaza, Block 1301 Lot 1.01 which is 274 Spring Street. I will abide by the Chairwoman's direction and reserve my right of cross examination and will be sending a formal letter with my objections. I would ask that the Board would give this a priority if there is going to be a declaration of blight and in the eyes of the public this is a blighted area right now. My clients have 11,000 square foot commercial properties that have several businesses in there and we

rent to another. It is going to have a detrimental affect on the property values. We are talking about the Document of Stigma and ask to try to resolve this as soon as possible.

Mr. Soloway stated: The Board is trying to act in an expeditious manner as possible. This was originally scheduled in December with similar hearings. This one didn't get reached. It was put off to the 13<sup>th</sup> to give Mr. Sheasley time to investigate and update his report and make sure the report is on file at least 10 days prior to hearing continuation.

Board Secretary Ms. Citterbart swore in first of public to speak:

Theresa Iliff with Iliff Realty Co. LLC, 280 Spring Street. I would like my property removed from the redevelopment list. Reading the paperwork in front of me the only classification that I find I fall under is the "donut hole." I don't find that classification is reason enough keep me in the redevelopment category. My concern is not now but 20-25 years down the road. I am connected to a parcel that is in major need of repair in our community. I think we are aware of what parcel that is. For me, the concern is extremely high. The conversation of eminent domain has been going around and that's what has caused the fear. For me it is real whether you take the entire property or a part of the property to make it work for the redevelopment of a property next to me is definitely something that could end up on the table. We can say it won't now but we don't know what the plans are for that property or what you down the road may like as the idea for that property. I have a large piece of property behind my building that is open and actually it supports what you had brought up about the healthy community or "H." It talks about leaving open land in Newton and keeping these areas open with not a lot of growth on it. I support certain part of these things that I am actually classified under. I would really like you to consider and I would like to officially note to be off of it and those were the reasons why. Please take to heart my property is quite large and it sits in a U. The train property in my opinion, not in a redevelopment area in the sense that the area is pristine and always has been maintained and around it is in very good repair. Once you come behind it and hit my property, I'm almost surrounded in a U shape by things that do need repair. In saying that, I feel that my property itself is jeopardized in a sense that whatever decisions are made I could possibly be included in that. I think that is a major factor, not just for myself but family and the families that depend on me to provide the service that I do. We provided service there for over 200 children in the Town of Newton. If my property is taken away, we don't have a program. We have our summer camp behind our building. We have our outdoor play area. Even the classification that is zoned is specific to the State of New Jersey for child care. I can't be zoned for anything else and still be able to run. There are some major factors involved with my property. Please consider that when deciding what will stay and what may not have to stay. Do I have to stay in there? Can my property be removed from this or is it all 1301 that has to be maintained together? On Page 52 it says: Would constitute piece meal development and would not serve the future best interest of the community as a whole.

Mr. Soloway stated: What the Board is doing tonight and when the hearing continues it kind of limited after this hearing the Board is required to make a recommendation to

the Town Council whether the entire area or any part of it should be designated as an area of redevelopment. No, the Board doesn't have to recommend every property. This Board is only recommending to the Town Council.

Ms. Iliff questioned: I am in the process of purchasing a piece of property that is adjacent to mine that is under this but I am not the owner of it yet. It is right next door to me and very small piece of property that is a very large value to my business because of the growth that we have had this year. I have not concluded that contract as of yesterday and put it on hold based on the decision of the redevelopment of that property. If it will be classified as redevelopment, the owner is not here right now and I am assuming I have no right to say take it off the list, but I just like to mention that. I guess that is a situation I have and it affects the community and would be of value to me.

Mr. Ricciardo questioned: Why don't you ask the question you asked me earlier before the meeting? The attorney is here. They will answer it for you. Ms. Iliff questioned: I am saying take me off right now, but I want you to know I am trying to become educated on what is happening here because I know I'm not the only one confused in this room. I would like to work through the benefits also with this. If I do not say to take me off tonight does that mean I cannot take my property off this by the next meeting on February 13<sup>th</sup>? Can I still ask that on February 13<sup>th</sup>? Do I have time from now until then to say I have made a decision yet?

Ms. Credidio stated: The Planning Board will be making a recommendation to the Town Council. At the time it goes to the Town Council and they decide to accept their recommendation and designate the area they have suggested or they may choose to designate a part of that area or none at all.

Ms. Iliff questioned: After considering this, do I still have the option to leave me on the list before February 13<sup>th</sup>?

Ms. McCabe stated: Absolutely.

Ms. Credidio stated: The Board does not recommend designation at that time, the Board cannot designate that property. Mr. Ricciardo stated: We cannot enlarge the recommended when it comes before the governing body but we can reduce it.

Ms. Melissa Katzenstein, 23 Diller Avenue. I also would ask you to exclude my property from the area in need of redevelopment. There are several factors that I believe you should consider in making your decision. My fiancé and I just bought our home at 36 Diller Avenue in May. I am 23 and he is 26. It was a great accomplishment for us that at such a young age we were able to purchase a home. Since we purchase it so recently, we still have majority of the mortgage to pay. If the town decides that our home is in need of redevelopment and offer us fair market value, this won't cover our mortgage. We will be left with a payment, but no home. This will make starting over for us impossible. Another factor that you should consider in making your decision is that our home is not blighting to the community. Our home being right next to Able Oil was

affected greatly by the explosion. We have a new roof, new siding, new windows, new walls and new flooring. Our home is in pristine condition and we take pride in maintaining well inside and out. In researching redevelopment, I came across a case that I feel is relevant to our situation. The case of Spruce Manor vs. the Borough of Belmar. The New Jersey Superior Court held that failure to meet current design standards could not by itself serve as the basis for designation of an area in need of redevelopment. I feel this is what is happening here. A lot of what I have heard repeatedly are that homes are included in the area because they are older homes on undersized lots. I trust that you will take these factors into account in making your decision and not include our home in the area.

Leo LeBarge, 18 Woodside Avenue. I want to thank the gentleman here that pointed out the doctorate of stigma. That's mainly what my concern has been. It's a dynamic situation. You don't know what the taxes are going to be in June 2008. I don't know if I will be able to afford them. If I'm not able to afford them, I have to sell but I have to disclose that this is under consideration for an area of redevelopment. That is a concern. I might believe you. In fact, I do. I know most of you by name. You know me. I don't think Ms. Unhoch is going to do anything that's going to hurt me. Ms. Kithcart isn't out to hurt me or anything. I have a lot faith in all of you. My big question is: Right near me within a couple hundred feet is that vacant lot that is behind Chung Bo's. It's not on the redevelopment map but you tell me that it's under redevelopment. This whole thing hinges on what the later plan is. I'm trusting you all to get to the later plan. If the later plan is to do something good with Chung Bo's, do something good with the area by Able Oil, do so and throw some low cost loans my way. Great. If the idea is to raise everything, flatten everything and give Leo fair market value for his house and put some townhouses. Then I need to find a buyer. For the right amount of money I can be out in a month. I can't make a decision whether this is a good thing or a bad thing until I see what's the plan. What's this going to look like in 2 years. I want to see the map before and after. Otherwise, I am in a vacuum. One thing I would like to point out is: As near as I can tell my property was selected because it fits Criteria D with the undersized lot. Doesn't seem undersized to me. Doesn't seem undersized when I have to rake the leaves and mow the grass. Didn't seem undersized 7 years ago when it was zoned OK. Because I've only got X amount of land and X amount of house. It says: by reason of deleterious land use or obsolete layout it is detrimental to safety, health, morals and welfare of the community. If I had more land I wouldn't be a safety, health, moral or welfare threat, but as it is now. You see my confusion. What is the problem? I like it. Never had a problem with it before. Used to throw a ball against the back of the house and run out and catch it plenty of room. Way more room than I had in Union City. It says that it is deleterious or obsolete layout and is detrimental to the health, safety, morals or welfare. I don't see how. If the only Criteria is D, well keep that in mind is all I am saying. Last time I was here somebody said, we like our little spots. I like mine.

Chairwoman McCabe commented: Let me go back a little bit. You said before that "it's hard for you to make a decision because you don't know the plan." None of us do. We don't know the plan. That's we need you here. You are going to be part of the plan. All the property owners are going to be part of the plan. This is not anything that's ever

going to be developed in a vacuum. We are going to have public hearings. The property owners are going to come and we are going to decide together what the future of your little neighborhood is. That's the whole point. None of us are sitting up here like judges saying this is what is going to happen to your house. What we are saying is let's open up some communication so that we can all talk together and decide how to make your neighborhood better. What would you like to see happen to it?

Mr. LeBarge stated: I want that to be the way that it is. Ms. Unhoch questioned: You want it to remain the same. Is that what you are saying? Mr. Ricciardo stated: No, he wants to participate in the planning of the area in need of redevelopment. Chairwoman McCabe stated: That's certainly my intension and every member of this Board and the Committee. Mr. Ricciardo stated: Maybe not everyone was here when we had the last meeting and went through the process. The process that we are going through right now is this Board will review Mr. Sheasley's recommendations and make a recommendation to the governing body. The governing body will either accept or reject that recommendation. If they accept it, that is step one. The next step is they have to develop a plan and in developing that plan there are public hearings so that the general public can take part in what's going to happen. We are far away from that right now.

Mr. LeBarge stated: I am understanding that. My own immediate personal concerns is frankly if those taxes are way higher I am going to have to move fast. I'm scared of moving fast because I have to tell somebody that this is redevelopment thing is going on. This doctorate of stigma that I have lifted from the lawyer. That's it. That's why I wanted to go and have my little say. I trust that if I say that, they will say the one guy said this. This was his concern.

Mr. Peter Horvath. Owns Station House Plaza. My attorney still represents me. He will be sending a letter and everything else but, I would like to present a picture of my property and would like to be excluded from it. As you can see from the pictures, that's it is not blighted, it's not under any conditions. It is in pristine condition. I don't think I should be in a redevelopment and be under the stigma as my attorney said for the property and not able to be renting in the meantime while some of the offices are empty. I just wanted to present it as an Exhibit to the Board so they can look at it.

Mr. Soloway stated: Please mark that as O-1. Just before you present it if you could briefly tell us what it is.

Mr. Horvath stated: This is a picture of my property at 274 Spring Street. I took different pictures of it just recently. It shows that it's not blighted. It's not in bad condition and clean condition. In the summertime I put flowers there. In the wintertime for Christmas I decorate it. I don't feel that it should be in the redevelopment zone. I brought this so you can look at it. At the same time, the attorney will be answering any other questions.

Ms. Tammie Westra. I live at 5 Grand Avenue. The property that I am currently leasing for my business is 46 Sparta Avenue- Wildflowers by Tammie. Leo was just

speaking, he asked you but no one really answered it. The vacant property behind Chung Bo's or on the side of Chung Bo's and behind my property, why is that not included in the redevelopment being that it is vacant property? Mr. Sheasley stated: It is already in redevelopment. Ms. McCabe stated: It was designated separately. Ms. Westra stated: So that will all be like a super block? Mr. Sheasley stated: Yes. Ms. Westra stated: So it is possible that it is one big block that would be redeveloped and of course there is no plan. I am actually speaking as a tenant and not an owner. I just opened my store up in July. I just recently put a tremendous amount of money in that store. If indeed the owner decided he did want to sell it to a developer, I'm not an owner so I wouldn't be reselling the property and regaining any kind of investment that I've already put in it. I as a tenant would then have to probably go after the owner to be reimbursed. All of this is mind boggling. That would be a tremendous hardship for me. I am a single woman and I solely support myself. That is my bread and butter. That is a concern for me. I am also on the Grand Avenue side of this too. So, there is all sorts of information that's coming at us all and we really do need to know what's going to be happening because our future is dependent on all of this.

Mr. Don Sharp, 50 Diller Avenue. I just want to point out one thing that's really not an accurate statement on page 28. The last two lines. It says: While sidewalks run along both sides of Diller Avenue, Spring Street, and Woodside Avenue, they are largely poor to fair condition. If you look at Diller Avenue, it only has sidewalks on one side. They alternate. My question is, is Diller Avenue going to be redeveloped or improved underneath the redevelopment plan? Does the redevelopment monies affect the improvement of infrastructure or does it just relate to the actual private properties? It would be nice to see Diller Avenue go back to be a local street. How does that play into this whole picture? Mr. Ricciardo stated: The potential that is given to the governing body who controls redevelopment areas is to come to a developer's agreement with individuals who are developing a particular piece of property. The powers are expanded above the normal procedures which allows the governing body to come to an agreement to have infrastructure improvements included within that developer's agreement. Yes, Diller Avenue could benefit from any redevelopment that occurs adjacent to it. Mr. Tharp stated: The thing with Diller Avenue, the way the properties have been designated here, there's only one side of Diller Avenue. So the question becomes, does it stop at right of way line of Diller Avenue, does it extend to the center line of Diller Avenue, or does it go to the far side of Diller Avenue? Mr. Ricciardo stated: We have in previous review included the entire right of way on both sides of the street in the previous recommendations we have made to the governing body. Just so we have the ability to expand the both sides of the street. So we don't a developer on this side improving just this half of the right-of-way and that side being left in need of redevelopment. Mr. Tharp stated: That's my question because I would like to see all of Diller Avenue and the right of way be included in the redevelopment. That language doesn't appear in this report. Maybe that would be helpful if it did. We could set that limit of Block 1301 and say it also includes the full right-of-way. Mr. Ricciardo stated: We have made sure that it was included in the previous approvals and we will make sure they are included in this approval.

Ms. Tara Pankz, 14 Woodside Avenue. I live on 14 Woodside across from me is the Laundromat and that whole area. I'm not across from the area behind Chung Bo. How will developing of that property help me for the infrastructure? Mr. Ricciardo stated: It's tough to say what is developed there. If the infrastructure in the area water, sewer, and utility lines are not sufficient to carry what is going to be developed there and the connections are made on Woodside Avenue that would benefit you because the lines would be new. Ms. Pankz stated: I've been before you before so to me this would be very helpful. Mr. Ricciardo stated: It would be a tremendous help to you because of the backup. Ms. Pankz stated: If it goes down Merriam then it really is no help to me. Mr. Ricciardo stated: It can help you. It depends on much you can get out of a developer. Some municipalities are very lucky and can push the developers very far. Other municipalities push them anywhere because it becomes economically unfeasible for them to do that much work. You have to take into consideration when you come to a developer's agreement that everybody in the develop business is there to make a profit. If you push them to the point where it becomes unprofitable for them to build that project because you are imposing so many restrictions and so much criteria for the public areas, they will walk away from. That property may sit vacant; like that Chung Bo pieces may sit vacant for another 20 years and get only worse. You have to get a developer that has the staying power to continue through the development in bad times like the real estate is going through now. There is a lot to consider.

Ms. Pankz stated: Like you said somebody could come in and say we don't want to do all that work to the redevelopment area. Does that mean we would stay in the redevelopment area for 20 years until that property is taken care of? Mr. Ricciardo asked: What is the lifespan of a redevelopment area? Ms. Credidio stated: There is none. Mr. Soloway stated: It could be changed also. I realize this is frustrating for everybody but, I think that 98% of the questions and concerns that all of you have really related to things that haven't happened yet and aren't before the Board and only get discussed later in the process that any finding the Board makes in favor of recommending redevelopment gets triggered as part of this process. My only suggestion is that this goes forward, the Board makes the recommendation and the Town Council adopts it and that everybody started participating in the hearings. Where the plan itself gets worked up and discussed and adopted. There is no plan before the Board at this time. Ms. Pankz stated: I know I live down the street from Leo and I can understand where he is saying "what if I want to move in five years and there's still no plan?" That's why a lot of people want to be pulled off of it because of that reason. Because we are so unsure of what is going to happen. I don't want to be stuck with it for 10 or 20 years. Mr. Soloway stated: The Nature of the Process is defined by the Statute and the people who drafted the statute whether wisely or not kind of set it up in a way where you start here before we get to the adoption of an actual plan. I sense everyone's confusion and frustration but that is the sequence that the Town is required to follow. Discussion ensued.

Ms. Hiff stated: The eminent domain. I know that my building is my retirement. Eminent domain is a terrifying word. We know you can sit there and say that's not what we want to do, but this is forever on our property. You're not going to be sitting there forever and the direction of our community we have no idea. If you go back 70 years,

you would never think Home Depot would be sitting up on the hill. We had McDonald's our whole life here and we never knew what an Applebee's was. So, to say that it's not the intension, we believe you. But, our concern is 30-40 years when I retire. I know child care looks like it makes a lot of money, but what I give out to my families to help as many families as I do in this community. My retirement is my building. When I retire I want to know I can sell my building and not going to have someone say I have to disclose my redevelopment status. Eminent domain will concern a buyer of my building when it's time to retire. That's my whole life. I have a commercial building. Yes, but a lot of the homes they are talking about when they need to sell one day and they have to say under redevelopment status.

Chairwoman McCabe questioned: You are talking about when you retire. If your area is an area for redevelopment, like the gentleman earlier said Diller Avenue needs to be spruced up. If that area being in need of redevelopment and a developer does comes in and spruce up Diller Avenue, wouldn't that improve the value? Ms. Iliff stated: That's great. That's not the problem. If you can take the redevelopment plan and take the word eminent domain out of it. You can't. We don't know what the plan is. It's a forever plan if we are designated. If we resell we have to tell someone. I just want to have the right to say yes or no to certain rights of my property in the process of redeveloping. I would give that up if I'm under redevelopment. If they want to develop it and it's a great plan and it takes part of my parcel away, I may have no choice but to give that up if I'm under redevelopment. I need to have a choice.

Mr. Ricciardo stated: You have to make sure that whoever sits here you can trust so when it comes time to elect the people to replace us you make sure you have the same trust in them that you express you have in me.

Ms. Unhoch stated: Eminent domain scares me as much as it scares all of you. While I'm sitting here, I will not vote for that. I do relate to Leo and what he said before about the plan being unknown.

Ms. Eileen Fray. I am from Andover Township. I am here supporting my granddaughter who lives on Diller Avenue. She is in a completely renovated home. I am here with a question regarding a comment that was made by one of the gentleman on the panel at the last meeting. It was at the close of the meeting so it just stayed in my head until now. He had said "he was so surprised that over two years that there was so many people that attended that meeting who didn't know anything about this redevelopment plan." That made me think and I said to myself that is true. My question is now, is 2 years ago when this all started, were letters written to the owners of the commercial and residential homes in this plan letting them know that this is going to be happening and that they have the right to know? Was it written individually to each of the owners of properties? Mr. Ricciardo stated: She is talking about a comment one of my colleagues at the Council meeting when we were talking about the process of redevelopment. We sat here on council and we knew we had to do something to inspire some regeneration of this community. We knew we didn't have the knowledge or the ability to do it alone. We went out and hired a visionary planner to guide us through the first step. The

redevelopment plan was not discussed and not presented until tonight for this particular area. We are just formulating it. We had public hearings on the vision plan and it was very well accepted and a large portion of the community said we were headed in the right direction. That was step one, that started 2-1/2 to 3 years ago. This is step 2 to determine what areas need to be fixed for redevelopment or any other process we can get them rejuvenated. The next step is to formulate a plan. That you can take part in. We didn't have to notify the people. We ran ads in the newspapers. We had public meetings at the firehouse that were very well attended.

Ms. Fray stated: I was just curious because just buying a property 6 to 8 months ago I would have thought that the owner at that point would have known to mention it to a young couple that were just about to buy a house. Mr. Soloway stated: There was nothing concrete to know at that point. The officials of the Town over the last few years have been discussing what's been called a Vision Plan, which is very general concept of how to revitalize certain areas of the Town in a vision of what they might like to see it look like down the road. The hearing tonight was noticed to every property owner who is included in the study and the recommendation.

Mr. Jeff Babcock , 16 Stuart Street. Most of the lots in Newton don't have the right setbacks. I know all of Stuart Street is the same as Diller Avenue. So what stops them from going that way? Aren't all these redevelopment plans that you have part of the vision too? Wasn't the vision plan, aren't these redevelopment parcels coming out of that vision plan? Chairwoman McCabe stated: Yes, that's what Mr. Ricciardo said. When the public was invited to come to the fire house and talk about their vision for the future of Newton and we got out those big sketching pads and asked them to mark the areas in Town that they would like to see the neighborhood revitalized. Mr. Ricciardo stated: Everyone in the community had an opportunity to partake in the vision plan. If you think that we are doing this with malice toward anybody, they are wrong. Mr. Babcock stated: When questions are asked you don't answer the question totally. Everyone is in the dark. They are not doing one section at a time. There's a big vision plan that a lot of people don't understand. I know about the vision plan. I knew it was there. I know what the picture is. There was a vision plan that was done a couple of years ago that was in the paper. There was a picture that was supposed to be released at Newton Day. Mr. Ricciardo stated: There's pictures, there's a copy of the report, there's a copy of the vision plan available to the public at their request. Mr. Babcock questioned: What stops you from the rest of the town? All the lots are about the same? My lot is the same as most the lots on Diller. I don't have a 30 foot setback. Mr. Ricciardo answered: We could have taken the approach that we could have declared the entire community, the entire geographical area of Newton, an area of redevelopment. But, we knew that wasn't the proper way to do it. So we concentrated on areas that the general public told us through the vision plan they wanted to see improved. That's why we are going the way we are going. We are going step by step. Number one so that every area has the ability to make their comments and take part in the plan. Number two so we don't make a major mistake. If we were going to rush through it, it would have been done before. These processes would have happened the year after the vision plan was done without community involvement and without committee reports. We have sat in that committee

room for 18 months reviewing the vision plan to determine what areas the general public wanted improved. Now we are implementing that plan. It's not done with malice. It's done for the betterment of everybody who lives in Newton. Mr. Babcock stated: The only one that is in a redevelopment area is going to sell their house to is either a builder or the Town. Mr. Ricciardo stated: We keep hearing eminent domain and I understand the fear. The fear comes from past experiences in larger cities where eminent domain was started and it was mishandled and the municipalities did it in such a way that they hurt everybody involved. A lot of the politicians that did it, did it for self-gain and self-benefit. We are not doing that. Discussion ensued.

Ms. Robin Vandermore, 19 Sparta Avenue. I purchased a business property 5 years ago. My husband and I fully renovated it so to us it is a 5 year old property even though the church was built in 1927. The building directly behind Camp Iliff, Moonlight Images. I understand what you are trying to do and as a business owner whose business has taken growth and I've moved to a larger facility. I understand all about redevelopment and making your place a business or home nicer. I also understand that these people are concerned. I am right now working on a deal for Camp Iliff to purchase out property. Everyday I lose money in the bank because my money is not going in escrow until a development plan goes through. I would like to ask you to take my property off this redevelopment list and put me on whatever meeting comes next. Not that I think you are going to develop that corner. I think it would be impossible because of the way my building sits in the road. I think it's only fair to Ms. Iliff and her property and her plan for her future and to allow our properties to remain out of the plan.

Ms. Iliff stated: What's happening between her and I in these couple of days will happen 20 years down the road because I am now questioning whether I should buy her property because I know it's going to be under eminent domain and do I want to invest in a property now again that may not be of any value to me in the future because I won't be able to sell that property.

Ms. Vandermore stated: What a mistake for the Town not to let Camp Iliff expand into the property right behind it. That is the better part of redevelopment is taking businesses and homes that are already here and expanding on them and making them better.

Chairwoman McCabe questioned: What made you think that the redevelopment plan would prevent Ms. Iliff from expanding under her vacant property. Ms. Vandermore stated: She is concerned about the future of the property not so much expanding on it now. If she does expand and broaden her plan for her business, what happens 10 years from now if your redevelopment plan goes into affect and you need that corner or the parking lot.

Ms. Iliff stated: Speaking as a business owner and other business owners, you work everyday for income to your family but really your retirement is your real estate you invest in.

Chairwoman McCabe closed the portion to the public.

**Chairwoman McCabe made motion to Adjourn. Ms. Unhoch second the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 10:40 pm. The next regular scheduled meeting will be held on February 13, 2008 at 7:00 pm in the council chambers of the Municipal Building.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Katherine Citterbart".

**Katherine Citterbart  
Planning Board Secretary**