

Planning Board Meeting
Regular Meeting November 30, 2009 at 7:00 pm

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

Members Present: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

ABSENT: Mr. White

ALSO PRESENT: Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, Cory Stoner, Board Engineer from the firm Harold E. Pellow & Associates, Debra Millikin, Deputy Town Manager, Kathy Citterbart, Board Secretary.

FLAG SALUTE

CONSIDERATION OF MINUTES

September 23, 2009

Mr. Flaherty made a motion to approve the September 23, 2009 minutes. Mr. Ricciardo seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

October 8, 2009

Mr. Vandyk made a motion to approve the October 8, 2009 minutes. Mr. Ricciardo seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

HISTORIC RESOLUTIONS

First Baptist Church (#2009-08)

Property Location: 110 Main St.

Block 1301, Lot 7.02

Approved application to remove & replace wood double hung windows in kind.

Mr. Russo made a motion to approve Historic Resolution #2009-08. Mr. Elvidge seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

SAK Assoc. LLC (2009-12-HPC)
Property Location: 204 Main Street
Block 708, Lot 9

HPC recommends approved installation of canopy & sign.

Mr. Russo made a motion to approve Historic Resolution #2009-08. Mr. Ricciardo seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

OLD BUSINESS

Redevelopment Plan Amendment for Sparta Avenue

Jennifer Credido of McManion and Scotland (Newark, NJ) is the special redevelopment counsel to the Town of Newton. In November 9th, the mayor and town council designated a redeveloper, Thor Labs Inc., for the 56 Sparta Redevelopment area, authorized the execution of a redevelopment agreement in connection with that designation. Through the negotiation of that redevelopment agreement, Thor Labs had requested a number of minor amendments to the plan. The requested amendments would make certain revisions to the scope of materials that would be used for sod materials, would remove the requirement for operable windows at the sight in order to make the HVAC units more efficient. It would change the irrigation and water reuse on-sight requirements and would clarify the recertification is recommended but not mandatory. The requested amendment is to clarify that the re-use of water is for irrigation.

Mr. Ricciardo made a motion to approve the resolutions and make a firm recommendation to have the Town Council adopt the changes and also make a determination of consistency of these amendments with the Master Plan. Mr. Russo seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

AVE CARE@ NEWTON (PB#09-2009)

Block 802, Lot 37, R-3 Zone

Property Location: 85½ Trinity Street

Applicant is requesting to put up an Alzheimer's Convalescent Home.

Approved Preliminary Site Plan

Joe Golden of Golden & Moran discussed the items that the Board requested be incorporated into the plans including modifying the fence area (enlarged it for when the folks go out in the lawn), added a rain water retention system to be used for irrigation, modified the architectural plans to lessen the water use, have information on the generator and rain barrels. Mr. Golden addressed Mr. Simmon's report in which items 1 and 2 are a summary of the variances he is seeking (lot width variance). It is an

existing duplex which will be modified into a convalescent home. He is also requesting a variance for the size of the proposed parking spot. The first issue is the site plan which shows an expansion of the front area and a 4-ft high vinyl fence to allow residents to walk around outside under supervision. This gives them 2,800 sq. ft. Added handicapped ramp.

Mr. Ricciardo stated that he would rather see it in the rear yard because some patients have dementia and alzheimers.

Mr. Soloway: The language is a little bit ambiguous. There is no fence or wall forward of the front setback line shall exceed 3 ft in height. The increased height is an added security measure.

Mr. Golden: Many of the patients don't want to go outside, but would rather stay inside. The fence is just there to provide a boundary.

Chairwoman McCabe: By state law, how many employees are needed per resident?

Mr. Ocdinaria: The guideline is one nurse and two caregivers per eight residents during the day time and two caregivers during the night.

Mr. Ricciardo made a motion to approve Preliminary Site Plan. Mr. Russo seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

NEW BUSINESS

**Wachovia Bank (PFSPV)
Property Location: 122 Water St.
Block 303, Lot 26.06, C-3 Zone
Final Major Site Plan**

Mr. Caffrey made a motion to approve Final Major Site Plan. Mr. Elvidge seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk

RECUSED: Chairwoman McCabe

**North Urban Renewal
Property Location: 128 Water St.
Block 303, Lots 26.02, 26.03, 26.04**

Partial Final Site Plan Approval

Mr. Ricciardo made a motion to approve the Partial Final Site Plan. Mrs. Fowler seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

EJB Real Estate Assoc. Limited

Property Location: 1 Brooks Plaza

Block 1308, Lot 4, M-1 Zone

Amended Preliminary & Final Site Plan Approval

Mr. Ricciardo made a motion to approve the Amended Preliminary & Final Site Plan. Mr. Vandyk seconded the motion.

AYE: Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mrs. Fowler, Mr. Ricciardo, Mr. Russo, Mr. Vandyk, Chairwoman McCabe

OLD BUSINESS

Martorana Enterprises (#SP-08-07)

100 & 104 Sparta Avenue, Block 1201, Lots 5 & 5.03.

Applicant is seeking approval for site plan to allow construction of two retail buildings pursuant to a remand from the Superior Court. Carried to December 10, 2009 at 7:00 pm with no further notice required. Anthony Fiorello represented the applicant.

SWORN: Thomas Donahue, 35 Prospect St., Waldwick, NJ

ADJOURNMENT

Mrs. Fowler made motion to Adjourn. Mr. Ricciardo second the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 10:46 pm.

The next regular scheduled meeting will be December 10, 2009 at 7:00 pm in the council chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary