

**Historic Preservation Advisory Commission Meeting
Regular Meeting of December 20, 2010 7:00 pm**

The regular meeting of the Historic Preservation Advisory Commission took place on the above date. Chairman Dennis Becker 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. Kaplan, Mr. Read, Mrs. Schulte, Mr. Steinberg, Mr. Becker

EXCUSED: Ms. Best, Mrs. Diglio

ABSENT: Mr. Wright (came in @ 7:40pm)

FLAG SALUTE

CONSIDERATION OF MINUTES

November 15, 2010

Mr. Kaplan made a motion to approve the minutes. Mrs. Schulte seconded the motion.

AYE: Mr. Kaplan, Mrs. Schulte, Mr. Steinberg, Mr. Becker

APPLICATION

#HPC -16-2010 –Dr. Sam Kahlam/Northern NJ Endoscopy

Block: 708 Lots: 8&9

18 Church Street

Applicant requesting to add required area way for basement generator and additional HVAC units.

SWORN: Yogesh Mistry, Mistry Design, 17 Main Street, Netcong, New Jersey

Mr. Mistry stated: Referred to sheet A2.01 which was submitted as part of the application and is dated 12/8/10. After our meeting last time, the builder Mr. Hemmer had a conversation with the neighbor to the right about the different options that were discussed last time and described the revisions. Mr. Mistry described the position and dimension of the fence on the property that would screen the HVAC units along the right side of the property. The fence will be a 6ft high, board-on-board, on our side of the property line. There will be a double door gate near the front to allow access to the units. Along with that the doctor who owns the property wanted to add a similar fence along the back of the property that runs along the rear of the property line to close that off.

Mr. Mistry stated: What we submitted was that the exhaust would be eliminated and run inside the building. However, after further discussions with the contractor and his concerns about running it inside, he felt it was not a good option to do. The drawing we submitted A4.01 shows the side elevation, the fence to be installed but it does not

**Historic Preservation Advisory Commission Meeting
Regular Meeting of December 20, 2010 7:00 pm**

show the vent I just talked about. We propose an alternate option. We want to extend the pipe towards the rear so it splits the first two windows. It is about 14 feet back from the front of the building and then it continues up beyond the roof so the exhaust is at a certain height and not affecting the neighbors.

SWORN: Bob Hemmer, 21 Maple Lane, Tranquility, New Jersey.

Mr. Hemmer stated: The pipe is a 4 inch pipe. It is not much different than a leader pipe. Something you would have for rain water. Being outside it will not be a fire problem. If we have it inside we have to go through roof and ceiling floors. The building currently has so much stuff to go through to pipe in that at this time this would be the safest to take it right outside. I don't think it will be aesthetically unpleasing.

Mr. Mistry asked: You looked at other options?

Mr. Hemmer stated: We looked at running it inside. There is a chimney to the left side that runs up but we cannot get to it. There are so many power panels, sprinkler systems, fire systems and a boiler in the way.

Mr. Becker asked: Will this be the same pipe that would be on a truck to vent diesel?

Mr. Hemmer stated: It will be a black iron welded pipe. It looks like an old cast iron soil pipe but it won't have the hubs on it. It will be welded together and fastened to the building on 2 inch stand offs to give it some breathing room and paint it white. It will look like a standard 4 inch PVC pipe running down for water.

Mr. Becker asked: Will there be a rain cap on top?

Mr. Hemmer stated: Yes. The water will be able to drain out so it doesn't freeze in the pipe. This generator will not be used very often. The property owner has to have it because of what he is doing. It will run 20 minutes a week for tests and once a year they will run it for an hour and half to do all the tests to make sure everything is working fine.

Mr. Kaplan asked: The test of the generator will be done during work hours?

Mr. Hemmer stated: Yes.

Mr. Mistry stated: They have to hire a service to come and do it.

Mr. Becker asked: Is the fence going to be painted?

Mr. Mistry stated: No, our intention is to leave it. There is some existing fence in the back that has been kept natural.

Mr. Hemmer stated: We had spoken to Mr. Casey's wife and she liked the board-on-board and preferred it natural.

**Historic Preservation Advisory Commission Meeting
Regular Meeting of December 20, 2010 7:00 pm**

Mr. Becker opened up this portion of the application to the public.

SWORN: William Casey, 22 Church Street, Newton, New Jersey.

Mr. Casey stated: It was HPC Board that wanted them to entertain the air conditioners on the roof. I don't believe that has ever been done. There is a unit up there now. The units are now on the ground. As discussed last time, I entertain in my yard. I do believe I am getting the short end of the stick.

Mr. Becker asked: Do you like the changes they have made here?

Mr. Casey stated: I would like to see the air conditioners on the roof. There will be three air conditioners when there used to be one right next to my barbeque grill and all summer long those things are going to be running. I know it was part of the discussion last time that they check into the possibility of the units going on the roof, but I don't believe that has been done.

Mr. Mistry stated: I had a discussion with our builder after the meeting keep in mind there are three units existing there. Those would stay and the other three would be if we had an option to put them on the roof that was one of the options the other option was to do a fence. So after my discussion with our builder, he had a discussion with the neighbors, and it was my understanding that they preferred to put the fence up.

Mr. Hemmer stated: The discussion we had was we looked at putting them on the roof and it is a maintenance problem nothing else. As far as putting the fence up, it would cover the existing three that are there plus the other new ones.

Discussion ensued on the HVAC units.

Mr. Casey stated: I just think this is a matter of convenience when the roof is available. There is already a unit on the roof. It's not that it can't be done. They just want to save money by dropping them on the ground.

Mr. Mistry stated: Mr. Hemmer would know better but I think the cost of the fence is probably comparable to putting them on the roof.

Mr. Becker stated: If they have the option of putting the three new ones on the roof and having no fence, is that okay? You would rather have the one making all the noise and not a fence?

Mr. Becker asked: How did the discussion go with you guys that they came and did all this work.

Mr. Hemmer stated: That is why we dropped the new ones on because I thought when we talked about the fence he Mr. Casey talked with his wife and they came up with the board-on-board fence and they wanted it natural.

**Historic Preservation Advisory Commission Meeting
Regular Meeting of December 20, 2010 7:00 pm**

Mr. Casey stated: I was to suppose to see a drawing and at that time we could of addressed anything that would have been an issue but this is the first time I am seeing it. I never agreed to anything. As I told Mr. Hemmer, I am not agreeing to anything until I see a drawing and I didn't see the drawing until tonight.

Mr. Mistry stated: If you do agree to the fencing, we can add more buffering on the inside of the fence whether it be more sound insulation in those immediate areas where you have the four units.

Mr. Casey stated: That would be acceptable to his wife.

Discussion ensued on a sound barrier.

Mr. Becker asked: The bottom line really is, are you happy with what is going on?

SWORN: Lindsay Joice, 22 Church Street, Newton, New Jersey

Ms. Joice stated: There is no guarantee that if they do the additional sound proofing and the fence that it will be livable for us. At this point, we are just worried. It is our home. We love our home. You have been nothing but trouble since you started construction and we are just concerned it is going to end badly.

Mr. Becker stated: Do you think there is good will being met now?

Ms. Joice stated: They have gone across our property multiple times without asking permission. They cut down half a hundred year old pine tree which is on our property without asking us permission. I do not feel there is good will. I am concerned.

Mr. Casey stated: There is a history of disregard. It doesn't all have to do with Mr. Hemmer a lot of it occurred before he was there. There have been three occasions they have not asked us first before they did something. There has been total disregard for this entire project.

Mr. Steinberg asked: What is the ideal scenario for you?

Mr. Casey stated: The air conditioners on the roof.

Mr. Becker asked: How do you know you won't hear it from up there?

Ms. Joice stated: You don't. The one they already have that is closest to our backyard is horrendous. It is extremely noisy.

Mr. Becker asked: Could you put a newer version in that would more efficient?

Mr. Becker stated: It might be a good will jester to replace the one that makes all the noise that they don't like.

Mr. Kaplan stated: It probably should be done anyway if it is that old.

**Historic Preservation Advisory Commission Meeting
Regular Meeting of December 20, 2010 7:00 pm**

Mr. Hemmer stated: I can't make that decision. The doctor has to.

Mr. Becker stated: I think the doctor needs to be more respectful of his neighbors.

Mrs. Citterbart stated: You can replace the three that are there because they are pre-existing. For the other two new ones you need to go to The Planning Board for an amended site plan. It needs to be amended to reflect where the new HVAC units will go.

Mr. Becker asked: Have you done any sound measurements on these units?

Mr. Mistry stated: They do have certain specification for the units and I do believe they met those specifications. We have not tested them in the field.

Mr. Becker asked: Do the new units meet the requirements?

Mr. Mistry stated: The new ones do but I don't know about the old ones.

Mr. Becker stated: The old ones are the ones they are saying make the most noise.

Mr. Kaplan stated: The issue is with the old ones not the new ones.

Ms. Joice stated: We haven't heard the new ones yet.

Discussion ensued on the noise level and the placement of the units?

Mr. Kaplan made a motion that the board-on-board fence be put in with an extra sound barrier in order to block the noise from the air conditioning units and also make the necessary repairs to the existing air conditioner unit so it is suitable to the sound requirements. Mr. Steinberg seconded the motion.

AYE: Mr. Kaplan, Mrs. Schulte, Mr. Steinberg, Mr. Becker

PUBLIC COMMENT

With no one stepping forward, this portion of the meeting is closed.

CORRESPONDENCE

None

DISCUSSION

Mr. Wright stated: I don't know if anyone noticed and I don't know if it will pass the legislation or not but both houses of the legislature passed a tax abatement for Historic Preservation where you can get a tax reduction if you maintain a building in a historic manner.

**Historic Preservation Advisory Commission Meeting
Regular Meeting of December 20, 2010 7:00 pm**

Mrs. Citterbart asked: Does it have to be a building like the one we were talking about next to McGuire's or can it be that my building is in historic?

Mr. Wright stated: I haven't read the legislation but I think it passed in both houses and it allows a tax reduction if you maintain a building according to historic standards in a historic district.

Discussion ensued on how it will exactly work.

Mr. Becker questioned the Historical 250th anniversary of Newton. I asked Kristy and she said it is not right.

Mr. Wright stated: Yes it is. On December 12, 1761, Governor Hardy officially declared that the court house would be located within 4 miles of Harelocker's Tavern and that is when they marked the spot and built the courthouse and laid out the town plot with the green in front of the court house and the 1st houses around the building and lots and that was when the Town of Newton was made the County Seat and became a town. It became a town as opposed to a borough or a township in 1864. That made it its own road district so the road taxes that the people in the town didn't go to pay for roads in Andover. It became the Town of Newton in 1864 but it actually came into existence in 1761 when they officially declared where the court house will be.

Mr. Becker stated: This is a discrepancy.

Mr. Wright stated: It says settled in 1751 which means that is the date that Harelocker supposedly built a log house on the foot of the hill by Sussex County Community College. They have always said that was the date the first person lived within what is now the boundary of the Town of Newton. It was named the County Seat in December of 1761 and that is when they laid out the original plots of streets.

Mr. Steinberg stated: So in 2011 we can celebrate its 250th and in 2014 we can celebrate its 150th anniversary of it becoming a town.

Mr. Wright stated: We had asked them to take off the 1864 date because it made it sound like the town didn't exist until 1864 but really all they did in 1864 was Newton originally included Andover and Hampton that made it Newton Township and people in town didn't want to pay road taxes to pave all the streets in Andover and Hampton and they wanted their own water and sewer and that is when they drew the line around it and kicked Andover and Hampton out. 1864 just means it was created as a separate school and road district not that it came into existence. The 1751 is the hypothetical date that the first person settled here but he lived in a log house out on the road. The actual idea of Newton as the County Seat, the courthouse, the green, Church Street, Park Place, etc., was 1761.

Mr. Becker stated: There has been talked about the people that own the building next to the McGuire parking lot they want to tear it down.

Mrs. Citterbart stated: Actually there is someone that came to me and wants to put it back in use and make it into apartments again.

**Historic Preservation Advisory Commission Meeting
Regular Meeting of December 20, 2010 7:00 pm**

Mr. Wright stated: It probably is the second oldest building in town. It may be the original township hall. It became a school in 1798 and it was the only school in town up until 1831 when they traded it for property on Academy Street and it became the printing offices of the Sussex County Register, then it became a general store, had the first porch in Newton. When they exchanged the property for another school property on Academy Street, they cut off the back part that was a burial ground. There still is a right- of- way. That right- of- way is an eternal right of way to the burial grounds.

Discussion ensued.

Mrs. Citterbart stated: Mrs. Blackburn's property 87 High Street has been abated. Everything has been taken care of.

ADJOURNMENT

Mr. Wright made a motion to adjourn the meeting. Mrs. Schulte seconded the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 8:05 pm.

The next regular scheduled meeting will be held on January 18, 2011 at 7:00 pm in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Historic Board Secretary