

**Newton Planning Board
February 16, 2011**

The regular meeting of the Newton Planning Board was called to order at 7:00 PM on Wednesday, February 16, 2011 by Chairwoman McCabe.

OPEN PUBLIC MEETINGS ACT - FLAG SALUTE - ROLL CALL - RULES

PRESENT MEMBERS:

Mrs. Becker
Mrs. Le Frois
Mr. Flaherty
Mr. Flynn
Mr. Le Frois
Mr. Marion
Mr. Tharp
Mr. Caffrey (Alt. 1)
Mr. Hardmeyer (Alt. 2)
Mrs. McCabe

SECRETARY:

Kathy Citterbart

EXCUSED:

Mr. Tom Russo, Jr.

PRESENT PROFESSIONALS: Mr. Thomas Molica, Esq., from the firm Vogel, Chait, Collins and Schneider

CONSIDERATION OF MINUTES:

January 19, 2011 Regular Meeting

Mr. Marion made a motion to approve the minutes from the January 19, 2011 meeting. Mr. Flynn seconded the motion.

AYE: Mrs. Becker, Mrs. Le Frois, Mr. Flaherty, Mr. Flynn, Mr. Le Frois, Mr. Marion, Mr. Tharp, Mr. Caffrey (Alt. 1), Mrs. McCabe

HISTORIC RESOLUTIONS:

NONE

PB#06-2010 – Triple M. Realty, L.L.C., Block 405, Lot 41, 48 Water Street_ – Amendment to Site Plan Approval

Carried to March 16, 2011 at 7:00 PM with no further notice required.

PB#02-2011 – Katterman/Reinhardt, Block 612, Lot 2 (which includes Lot 9.01), 16 Foster Street – Amended Variance and Site Plan Approval.

Carried to March 16, 2011 at 7:00 PM with notice required.

**Newton Planning Board
February 16, 2011**

RESOLUTION:

PB#-01-2011 – Living Waters Fellowship, Block 716, Lot 17, 93 Spring Street – Waiver of the requirement of Filing a Site Plan Review application for a portion of property know as Block 716, Lot 17.

Chairwoman McCabe stated: I have one change on Page 5, number 4 of the conditions of approval and that is to change approval to recommendation.

Mr. Molica stated: I will make that change.

Mrs. McCabe stated: We will approve the revised form at the next meeting. So we will not be going for approval at this meeting.

PUBLIC PORTION

SWORN: Charles Briggs, 73 Pine Street, Newton, New Jersey.

Mr. Briggs handed out a copy of the Landscape Plan from Mr. Martarano's project to the Board, which he referred to. If you notice there is a tree line of Evergreens that has stopped. I am very curious why the tree line has stopped and did not continue all the way through this project?

Mr. Flynn asked: Can you point out on this drawing exactly where you are talking about?

Mr. Briggs: I have marked where my property is on the drawing with an x and I was curious why that tree line was not continued or that somebody caught that all the way down for blockage of that building with my home.

Chairwoman McCabe stated: Mr. Briggs, I know you were at all the meetings.

Mr. Briggs stated: Yes and we brought this up on several occasions why we didn't have a continuous tree line all the way up until the last meeting. Until the one meeting we did miss that we had no idea that the meeting was on December 15, 2010.

Mr. Briggs stated: I also have the Quick Chek lighting coming right into my home. He raped the land. The water table is going to be ridiculous. He has already dumped snow into the wetlands. I know we had a big discussion about this. I have pictures of it. I have tractor trailers already going there of a coca-cola truck making distributions. We talked about a W wheel base 64 to go in there. There already have been tractor trailers going in there making their deliveries. I don't see anything changing here. You even said that this was 10 pounds of crap in a 5 pound bag and the bag has never changed. That land is totally destroyed. Every single tree all the way up to my property line with a 10 foot buffer, none of you people would like it. It is totally bear right now. He has not planted another single tree in there. It is a sad sight. It was a forest. Whoever said that there were only a few trees or dead trees was totally wrong. There have been four logging trucks that have taken logs. There is one sitting right behind Quick Chek right now. I am talking twenty feet stacked high.

Mrs. McCabe stated: Do you understand the Marantano's were given approval by a Superior Court judge to build this project unless and only unless we had an issue with safety.

**Newton Planning Board
February 16, 2011**

Mr. Briggs stated: It absolutely could be done different from the Board. What is going on with the tree line? Why isn't that tree line continuing? It is right there in the ordinance to be blocked. I have a Quick Chek light shining right into my bedroom because these trees are gone.

Mrs. McCabe stated: I think it is a little early in the development to determine what it is going to be.

Mr. Briggs stated: It is not early. Now is the time to take care of the business before a site plan. There isn't even a building permit in the works right now. I have been on the phone with Keith Utter, DEP and the Land Conservationist and Soil Conservationist for this project because there has been contaminated snow dumped into the wetlands. It was on the Quick Chek's property. He had a subcontractor that does the snow removal and takes the snow and puts it back in the wetlands.

Mrs. McCabe stated: That is a DEP issue.

Mr. Briggs stated: You are right and I have been on the phone with them and the Soil Conservationist. This is what you did. You could have prevented this with laws and rules. We asked for a bigger buffer. If we would have gotten a bigger buffer we could have walked away and least some trees would have been in site. Now there are about 50 deer just staring into nowhere land. I am concerned because I have no blockage from this building. How many times did I say I could play racket ball off of this building? Every time I came here, I said that there was not a big enough buffer. Now I have a Quick Chek light shining into my bedroom. And there is no tree line continuing. What is going to happen next?

Mrs. McCabe stated: It was approved like this.

Mr. Briggs stated: It is in the writing of your own rules of the buffers.

Mr. Molica stated: I am not trying to minimize any of your concerns in anyway but I don't know what you think can happen at this point. If you are upset if you feel that the application was improperly approved then I would urge you to consult an attorney and file an action in Superior Court and challenge the approval. I don't think you have any recourse tonight before this Board.

Mr. Briggs stated: You gave me a 10 foot buffer and you are worried about what color a board on board fence up here in town is going to be.

Mrs. McCabe stated: I will ask Kathy to go back to the final plans and check the buffer.

Mrs. Citterbart stated: I can tell you right now Mrs. Chairwoman.

Mr. Briggs stated: I even talked to the logger who was moving the trees. He said, "It was unbelievable on what he has seen getting done." He could not believe that there was only that short of a buffer and every single tree was getting cut down because he has never done that before. He was shocked when he saw the plan. He said in Sparta, Green and a lot of the other surrounding towns. This would not have been approved. He came out of his cab to talk to me. He is from Layton.

Mrs. Citterbart stated: I can only tell you as the approval for Phase I Preliminary Site Plan back April 21, 2010, Number 14 it reads: Consistent with the representation of the Applicant, the area comprising Phase Two of the project will be left substantially in its natural condition during the construction of Phase One, except to the extent necessary to perform required transition

**Newton Planning Board
February 16, 2011**

grading. The Board acknowledges that the Applicant anticipates that it will be required to encroach approximately 10 to 15 feet into the area of Phase Two for this purpose. Disturbance to the area comprising Phase Two during the construction of Phase One shall be approved by the board Engineer.

Mr. Briggs stated: I just don't know what to do. I am going to be looking at an all brick 29,000 sq. foot building on this property.

Mrs. McCabe stated: We will have the engineer go out and look at it and make sure they are in compliance.

Mr. Briggs stated: If not all about compliance. Who is going to put up trees for me for that buffering that is in compliance with the town?

Mrs. McCabe stated: We will have the engineer take a look at that too in accordance with it.

Mr. Briggs stated: And Phase II the whole woods is gone. It is gone all of this from Phase I to Phase II and I bet not one of the Board members walked the woods.

Mrs. McCabe stated: We will look at it.

Mr. Briggs stated: And he doesn't have a single tenant committed to him. It is not like it is Main Street, Newton.

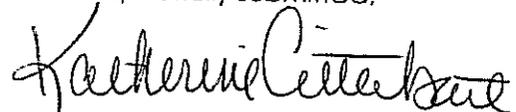
Mrs. McCabe stated: That is beyond our control.

With no one else coming forward Chairwoman McCabe closed the public portion of the meeting.

ADJOURNMENT

Mrs. Becker made a motion to adjourn the meeting. Mrs. Le LeFrois seconded the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 7:25 PM. The next regular scheduled meeting will be held on March 16, 2011 at 7:00 PM in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Board Secretary