

**Newton Planning Board
March 21, 2012
7:00 PM**

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

OATH OF OFFICE

Kent Hardmeyer
Barbara Mattingly

FLAG SALUTE

MEMBERS PRESENT: Mr. Flynn, Mr. Flaherty, Mr. Marion, Mr. Tharp, Mrs. Diglio, Mr. Caffrey, Mr. Hardmeyer, Mr. Torre, Mrs. Mattingly and Mr. Lefrois

EXCUSED: Mr. Russo, Mrs. Lefrois

PROFESSIONALS PRESENT: David Soloway, Esq., Board Attorney, of Vogel, Chait, Collins & Schneider and David Simmons, Board Engineer, of Harold Pellow & Associates.

BOARD SECRETARY: Kathy Citterbart

TECHNICAL REVIEW COMMITTEE

Discussion took place by Chairman Lefrois on the Technical Review Committee. The current members are Barbara Mattingly and Kent Hardmeyer. Mr. Soloway is not a member but can attend based on the discretion of the members. Mr. Lefrois appointed himself to replace Mrs. McCabe. It will be put on the agenda for next month to confirm the members for the remainder of 2012 and the time for the meetings. Mr. Soloway gave an explanation of how the TRC should work.

CONSIDERATION OF MINUTES

January 18, 2012 Regular Meeting and Executive Session

Mrs. Diglio made a motion to approve the January 18, 2012 regular meeting minutes and the Executive Session minutes. Mr. Flaherty seconded the motion.

AYE: Mr. Flynn, Mr. Flaherty, Mrs. Diglio, Mr. Torre and Mr. Lefrois

HISTORIC RESOLUTIONS:

None

RESOLUTION:

**(#PBPFSP-22-2011) Daniel Hayek, LLC
Block 403 Lot 41
1 Mill Street**

Resolution is for preliminary and final site plan approval and related setback and parking variances.

Newton Planning Board
March 21, 2012
7:00 PM

Christopher Quinn, Esq. from Morris, Downing & Sherred represented the applicant.

Discussion ensued on the 30-year lease agreement between Hayek's and the NJ Herald.

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

AYE: Mr. Flynn, Mr. Flaherty, Mrs. Diglio, Mr. Caffrey, Mr. Torre and Mr. Lefrois

OLD BUSINESS

None

NEW BUSINESS

(#PBPFV-01-2012) Weis Market #143
Block 9.03, Lot 16 (Formerly Block 803, Lot 48.03)
119 Water Street
Block 10.01, Lot 4 (Formerly Block 803, Lot 48)
121 Water Street

The applicant is requesting to construct a new 853 square foot exterior vestibule using existing front sidewalk area.

Christopher Quinn, Esq. with Morris, Downing and Sherred represented the applicant.

SWORN: Alex Ororbica, from Weis Markets Inc., PA, stated his qualifications and summarized the project. I met with the Town staff and Mr. Simmons to discuss what we are proposing which is a very small addition to the store entrance. We would like to remove the vestibule and create it under the exterior. Mr. Ororbica described the shown proposed plan. He explained what the new sign will look like.

Mr. Ororbica stated: I will comply with all of Mr. Simmons comments.

Mrs. Digilio had a comment on COAH.

Mr. Soloway stated: There would be a COAH payment required equal to 2.5% of the increase of equalized assessment value, if any, resulting from this addition. If the Tax Assessor increases the value of this building as a result of this 852 square foot vestibule my interpretation of the ordinance is whatever the value of that equalized increase is they would have to make a payment equal to 2.5% of that amount.

Mr. Flynn asked: Do we have the ability to waive it?

Mr. Soloway stated: No. It is a Town Council item. The Planning Board doesn't have the right to waive this. If you approve it, you can put it in the resolution that you think it should be waived.

Mr. Torre stated: I would like it put on the record that such a requirement is ridiculous.

Chairman Lefrois opened this portion of the meeting up to the public. With no public coming forward, this portion of the meeting was closed.

Mr. Marion made a motion to approve preliminary and final site plan subject to the usual conditions and subject to compliance with the recommendations set forth in Mr. Simmons' report

Newton Planning Board

March 21, 2012

7:00 PM

of March 14, 2012, a waiver of the requirement for the Board to pay any COAH fee and if the Board does not have the power to do so a recommendation to the Town Council. Mrs. Diglio seconded the motion.

AYE: Mr. Flynn, Mr. Flaherty, Mr. Marion, Mr. Tharp, Mrs. Diglio, Mr. Caffrey, Mr. Hardmeyer, Mr. Torre, Mrs. Mattingly, and Mr. Lefrois

PUBLIC COMMENT

First Public: Paul Campana, 65 Pine Street, Newton. Mr. Campana stated: First, I want to applaud you for bringing up the COAH issue. I am glad to see we all think the same. Secondly, I came to see where the Board is with the Martorano Project behind Quick Chek?

Mr. Soloway stated: To my knowledge, nothing has been filed yet. If and when it is filed, it will be processed, noticed and heard like any other application. It really is not the right question to ask whether the Board will allow that variance.

Mr. Campana asked: So there really is no discussion, I know he has been here before.

Mr. Soloway stated: There is nothing to discuss at this point. When he was here previously it was for an informal concept hearing which wasn't binding on anybody. There really is nothing else the Board can discuss until there is an application that comes in before the Board.

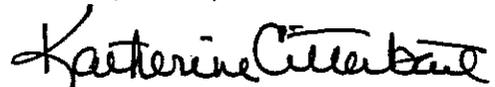
Mr. Campana stated: So it is in his court for him to present it and it is up to the Board to review it all and take it into account. My opinion would be to the Board if he does file, he is a neighbor that is right behind my house and I would certainly appreciate not having a commercial property there; I am much more in favor of townhomes.

With no more public comment, Mr. Lefrois closed the public comment portion of the meeting.

ADJOURNMENT

Mr. Flaherty made a motion to adjourn the meeting. Mrs. Diglio seconded the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 8:00 PM. The next regularly scheduled meeting will be held on April 18, 2012, at 7:00 PM in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary