

TOWN OF NEWTON
PLANNING BOARD
AUGUST 15, 2018
MINUTES

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

THE SUNSHINE STATEMENT: Was read.

SALUTE TO THE FLAG: Was recited.

OATH OF OFFICE: None.

PLEDGE OF ALLEGIANCE:

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Wink, Mr. Ragsdale, Ms. Hall, Mrs. Le Frois, Chairman Le Frois

Excused: Mr. Marion, Mrs. Larsen, Mr. Butterfield, Ms. Vrahnos, Mr. Flynn, Mr. Russo

Professionals present: David H. Soloway, Esq. of Vogel, Chait, Collin & Schneider
David Simmons, Harold E. Pellow and Associates

CONSIDERATION OF MINUTES

July 18, 2018

A motion was made by Mr. Flaherty and seconded by Mrs. Le Frois to approve the July 18, 2018 meeting minutes.

AYE: Mr. Flaherty, Mr. Ragsdale, Ms. Hall, Mrs. Le Frois, Mr. Le Frois

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

Thorlabs, Inc. (#PBSP-5-2018)
56 Sparta Avenue
Block 18.03, Lot 11

Resolution granting preliminary and final site plan approval to permit the installation of an additional air compressor and a new chiller system on the property.

Mr. Flaherty made a motion to approve the resolution. The motion was seconded by Mr. Ragsdale.

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AYE: Mr. Flaherty, Mr. Ragsdale, Ms. Hall, Mrs. Le Frois, Mr. Le Frois

The motion was carried. Resolution approved.

OLD BUSINESS

North Jersey Health Care Properties (#SV-1-2018)
Block: 1.02, Lots: 3 & 4
200 High Street

The applicant is requesting a waiver from the groundwater recharge requirements of the stormwater design for the subject application.

Mr. Simmons stated: As the Board will recall, the applicant had submitted a site plan for the new ambulance garage. At that time they were waiting for a letter of interpretation for the wet land limits to come back from the DEP that had been submitted. The timing was such that it had to be made subject to. Based on the letter of interpretation that the applicant had received back from the DEP and the comments that we had made on the application, the applicant revised subsequent to that meeting the stormwater basin facility from an basin open above ground basin to a below ground basin consisting of 36" diameter pipes that are perforated and a stone bed type situation. We reviewed the revised plans for the stormwater management system and with regards to water quantity using the modified rational method permissible in this case, the revised design was found to be acceptable by our office. The applicant also included a storm filter for a mechanical means of guaranteeing better water quality to meet the DEP stormwater regulations. This was acceptable to our office. The third component that they normally have to do is called groundwater recharge. Basically what it is, when you change the complexion of the land from grass or woods to pavement you are basically increasing the amount of sheetflow runoff that would normally percolate into the ground. So you use facilities and design to recharge that water back into the ground so you have a net benefit or net zero loss as far as the recharge goes. The problem with that is this entire piece of property is a Class D soil property. It has a very low permeability and not a lot of recharge. The applicant has to do a test hole to verify the seasonable high water table so they can set the grades for the underground detention basin at the appropriate depth. So the bottom line is there are provisions in a case like this. It is what they call the Best Management Practice Manual (BMP) to request a waiver from the recharge requirements. In this particular case, because the existing soils don't recharge as well and because everyone in the general area is on the Town's water system anyway, the applicant can approach the Planning Board to request a waiver from that requirement. So that is why they are here tonight. We just got done reviewing the revised plans and they want to begin the project as soon as they can. We have a pre-construction meeting scheduled for tomorrow morning on this to get the project going. I suggested to the applicant that they come tonight and provide documentation that you have in your packets or received by email for them to request that waiver from the Board.

Mrs. Le Frois questioned: Based on the submitted request for the waiver and the documentation that you've received and the recommendations from DEP and the other plans you've reviewed are you comfortable going into tomorrow's meeting?

Mr. Simmons stated: Yes.

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Mr. Soloway stated: Mr. Simmons and I discussed it. I suggested to him that if the waiver being requested is something that is in the DEP manual but not a Town ordinance he could come here tonight and just fill the Board in and ask the Board to authorize him to waive it. But if on the other hand, the standard involved is contained as a design standard or a zoning standard in the ordinance that the Board would have to affirmatively grant approval. Mr. Simmons has advised that it actually is an ordinance requirement. In the land use ordinance there is a separate stormwater management ordinance that is incorporated in there as a design standard.

Mr. William Bergman, attorney for applicant, introduced Mr. Peter Chandler, PE of Suburban Consulting Engineers, Inc.

Sworn in: Mr. Peter Chandler. 11 Green Hill Road, Chester, NJ

Mr. Chandler stated his credentials. Licensed Engineer in the State of NJ since 2001 and has appeared before numerous township and utility boards. His license is current and he is familiar with this project.

The Board accepted his credentials.

Mr. Bergman questioned Mr. Chandler: What is it that Suburban Consulting Engineers intends to do to address the problem created by the Class D soil that doesn't favor penetration very well?

Mr. Chandler stated: We have identified via Mr. Simmon's review that some relief would need to be granted for a waiver request because of the soils on the site not permitting us to recharge the facility as the stormwater regulations intend them to have them. They do put provisions in those regulations to allow the relief to be granted by the reviewing agencies and again the soils on site are considered a Class D soil. It's been shown to not be conducive to infiltrating stormwater. Hence we are here to request a waiver from the requirement. There is no change to the plans at the current time for the detail on the stormwater basin. It's still an underground basin with an array of perforated pipes with a stone bed surrounding it with a perforated membrane surrounding the stone to keep it separated from the soil. So it will allow a measure of groundwater infiltration to occur with whatever the soil takes out.

Mr. Bergman questioned: Do you believe that the plan is consistent with best practices and have you discussed it with Mr. Simmons?

Mr. Chandler stated: Yes.

Mr. Bergman questioned Mr. Simmons: Is it acceptable to you?

Mr. Simmons stated: Yes.

Mr. Ragsdale questioned: Is there any detrimental effect, environmental or engineering-wise, from not doing the groundwater recharge?

Mr. Simmons stated: I don't think so. One of the reasons for the recharge is to keep the groundwater level re-supplied as opposed to sheetflowing and conveying all the sheetflow runoff downstream lowering the water table taking water away from wells. In this particular case they are on Newton's water system and the water for this comes from Morris Lake, an entirely different watershed. In our particular case, because of the low permeability soils there is not

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much infiltration according to the Class D soil classification that goes down in the ground anyway. So I don't see that this will be an issue with any of the neighbors.

Mr. Ragsdale questioned: So instead of being percolated into the soil, the run-off will now go into a pipe. How is that going to work?

Mr. Simmons stated: It will go into a pipe but will be released at a slower rate because of the outlet control structure.

Mr. Ragsdale stated: So engineering wise you have already accounted for that?

Mr. Chandler stated: Correct. All of the water quantity components of this system have been designed to be in compliance with the regulations. Essentially today, with no impervious cover, the water is still not seeping into the ground. With us not putting a recharge component in place it is not going to change the existing conditions.

Mr. Flaherty stated: So there will be no increase in sheeting because it will be essentially the same as it is now?

Mr. Chandler stated: It is actually going to be lower. That is the purpose of the underground detention basin is to slow down the run-off to a controlled rate.

Mrs. Le Frois questioned Mr. Simmons: There are some properties not far, across the street and down a little, that have similar set ups. They were formerly houses and then added asphalt and created medical buildings over the last 10 or 15 years. Some of the properties in similar situations remedied the water issues similar to what they are doing. Is that correct?

Mr. Simmons stated: We have had properties that have utilized underground pipes. For instance, the Speedway gas station on Route 206 has the underground pipes as an outlet control structure. We have used that type of facility. It's a more expensive way to do it. But in some cases as with Thorlabs or Speedway, and with this applicant, the property is valuable in being able to utilize the surface rights to it as opposed to an open detention basin. Looking at the limits of the wetland transition areas, it lets them use that property more efficiently. So in that way it's worth it.

No more questions from the Board.

Portion opened to the public. No public stepping forward. Portion closed.

Mr. Le Frois questioned Mr. Soloway: Is the entire Board here this evening permitted to vote or just those who voted on the original?

Mr. Soloway stated: The Board here can vote. There is a statutory standard for granting this which is somewhat less onerous. You can grant a waiver or exception as you find to be reasonable within the general purpose and intent of the ordinance if the literal enforcement of the particular provision is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. It's kind of the positive criteria on a hardship variance without having to demonstrate the negative criteria to the extent that it is reasonable.

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Mr. Soloway stated: I will draft a simple resolution. The conditions will be to comply with all the conditions from the previous resolution.

Mr. Ragsdale approved a motion to approve the waiver. Mr. Flaherty seconded the motion.

Aye: Mr. Flaherty, Mr. Wink, Mr. Ragsdale, Ms. Hall, Mrs. Le Frois, Mr. Le Frois

Motion approved

NEW BUSINESS

None

CORRESPONDENCE:

None

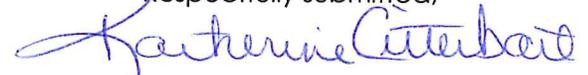
EXECUTIVE SESSION - None

PUBLIC PORTION

ADJOURNMENT

Mrs. Le Frois made a motion to adjourn the meeting. Motion seconded by Mr. Flaherty. The meeting was adjourned at 7:20 PM with a unanimous "aye" vote. The next meeting will be held on September 19, 2018 in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary