

TOWN OF NEWTON
PLANNING BOARD
JANUARY 15, 2020
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.

SALUTE TO THE FLAG: Was recited.

OATH OF OFFICE:

Vicki Hall-Romer – Regular Member
John Ragsdale - Alternate Member
John Paul Couce – Alternate Member
Sandra Lee Diglio – Class I
Daniel G. Flynn – Class III
Thomas S. Russo– Class II

OATH: Regarding Testimony to Be Given

David Simmons – Board Engineer – Sworn in
Jessica Caldwell – Board Planner – Sworn in

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Hall-Romer, Mrs. Diglio, Mr. Flynn, Mr. Russo., Mr. Couce, Mr. Schick, Mr. Le Frois

Excused: Mr. Ragsdale

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

THE SUNSHINE STATEMENT: Was read.

2020 ELECTION AND APPOINTMENTS:

ELECTION OF CHAIRMAN: A motion to nominate and appoint Greg Le Frois to the position of Chairman was made by Mr. Flaherty and seconded by Mr. Flynn. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mrs. Diglio – yes; Mr. Flynn – yes; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

ELECTION OF VICE CHAIRMAN: A motion to nominate and appoint Gary Marion to the position of Vice Chairman was made by Mr. Russo and seconded by Mrs. Vrahnos. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mrs. Diglio – yes; Mr. Flynn – yes; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

ELECTION OF SECRETARY: A motion to nominate and appoint Katherine Citterbart to the position of Board Secretary was made by Mr. Flynn and seconded by Mr. Russo. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer –

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yes; Mrs. Diglio – yes; Mr. Flynn – yes; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

APPOINTMENT OF BOARD ATTORNEY: A motion to appoint David Soloway, Esq., of Vogel, Chait, Collins & Schneider to the position of Board Attorney was made by Mr. Russo and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mrs. Diglio – yes; Mr. Flynn – yes; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

APPOINTMENT OF CONFLICT ATTORNEY: A motion to appoint M. Richard Valenti, Esq., of the firm Morris, Downing & Sherred to the position of Conflict Attorney was made by Mr. Russo and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mrs. Diglio – yes; Mr. Flynn – yes; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

APPOINTMENT OF BOARD ENGINEER: A motion to appoint David Simmons of the firm Harold Pellow & Associates to the position of Board Engineer was made by Mr. Russo and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mrs. Diglio – yes; Mr. Flynn – yes; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

APPOINTMENT OF CONFLICT ENGINEER: A motion to appoint Paul Ferriero of the firm Paul Ferriero Engineering to the position of Conflict Engineer was made by Mr. Russo and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mrs. Diglio – yes; Mr. Flynn – abstained; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

APPOINTMENT OF BOARD PLANNER: A motion to appoint Jessica Caldwell of J. Caldwell Associates to the position of Board Planner was made by Mr. Russo and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mrs. Diglio – yes; Mr. Flynn – yes; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

APPOINTMENT OF CONFLICT BOARD PLANNER (Abramson/Topology): A motion to appoint Phil Abramson, Topology to the position of Conflict Board Planner was made by Mr. Russo and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mrs. Diglio – yes; Mr. Flynn – yes; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

APPOINTMENT OF CONFLICT BOARD PLANNER: A motion to appoint Matthew Morris of Harold Pellow & Associates to the position of Conflict Board Planner was made by Mr. Russo and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mrs. Diglio – yes; Mr. Flynn – yes; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

NEWSPAPERS OF RECORD FOR 2020: A motion to designate the New Jersey Herald and the Sunday Herald as the official Newspapers of record was made by Mr. Flaherty and seconded by Mr. Marion. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink –

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yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mrs. Diglio – yes; Mr. Flynn – yes; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

2020 TECHNICAL REVIEW COMMITTEE APPOINTED:

Mr. Le Frois and Mr. Russo elected as regular members and Mr. Wink appointed as an alternate member to the TRC. There was no discussion.

In compliance with the Open Public Meetings Act, the following is a list of the monthly meetings of the Town of Newton Planning Board. The Board will meet at 7:00 PM on the third Wednesday of every month. The meetings will be held at the Town of Newton Municipal Building, 39 Trinity Street, Newton, NJ 07860.

January 15, 2020

February 19, 2020

March 18, 2020

April 15, 2020

May 20, 2020

June 17, 2020

July 15, 2020

August 19, 2020

September 23, 2020

October 21, 2020

December 16, 2020

January 20, 2021

September meeting is the fourth Wednesday of the month.

No meeting in November due to the League of Municipalities Convention.

A motion was made by Mrs. Vrahnos and seconded by Mr. Russo to approve the meeting dates for 2020. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mr. Wink – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mrs. Diglio – yes; Mr. Flynn – yes; Mr. Russo – yes. Mr. Couce – yes; Mr. Schick – yes; Mr. Le Frois – yes. The motion carried.

CONSIDERATION OF MINUTES

December 18, 2019

A motion was made by Mr. Flaherty and seconded by Mr. Marion to approve the December 18, 2019 meeting minutes.

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AYE: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Russo., Mr. Couce, Mr. Schick, Mr. Le Frois

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

2019 Zoning Summary

Mr. Soloway reviewed the 2019 Zoning Summary and stated: Under Land Use Law, all Zoning Boards of Adjustment are required to provide an annual report to the Municipal Governing Body on variance applications they've heard and include specific ordinance sections implicated by those applications. They also provide any recommendations or suggestions about possible changes. If there is no Zoning Board of Adjustment then this Board has to perform that function. The report that they make to the Governing Body will only include applications that would have gone to the Zoning Board of Adjustment if it did exist. It includes D variance and C or bulk area variances if not attached to a subdivision or a site plan. There were only two such applications during 2019. I prepared the Zoning Summary dated January 7, 2020 summarizing them. One was Martorana which didn't even involve any new relief being given. It was just jurisdictionally because C variance relief was granted. All they did was amend approval conditions to modify the construction phases. The only other application before the Board was by Nouvelle. That was for a community residence. It didn't require D variance approval because it is a permitted use. It did require C variance approval. It is permitted under a residential use but it did not require site plan approval. The Board granted 3 variances. The side yard setback variance. A minimum frontage variance and a minimum building height variance. The three variances in effect require greater bulk requirements than the building on the property and what is actually proposed. In that zone, you are supposed to have a minimum frontage build out of 80%. They proposed 55%. There is supposed to be a two-story building. This is only a one-story building. That just summarizes it. It wasn't a particularly difficult application. It didn't really implicate anything beyond its own facts. It didn't call for any witness changes. The statute also states that the Board's annual report to the Council should include any recommendations or revisions that the Board may have. Over the last few years, Ms. Citterbart, Ms. Caldwell and I have gone over many things. We had come up with a full report last year for the Council to determine whether or not an ordinance change would be appropriate. This year we didn't have anything. So that's what the report says. The Board is free to propose any possible ordinance recommendations or changes. If not, there is a resolution which adopts the report and transmits it to the Council.

A motion was made by Mr. Russo to approve the resolution. Mr. Flaherty seconded it.

AYE: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mrs. Hall-Romer, Mrs. Diglio, Mr. Flynn, Mr. Russo, Mr. Le Frois

The motion was carried. Resolution approved.

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OLD BUSINESS:

None

NEW BUSINESS:

None:

DISCUSSION:

Natural Selection
280 Spring Street
Block: 18.02, Lot: 31

Mr. Simmons discussed glass works unit and stated: Just to give a bit of background, every Wednesday morning at 10:30 we have a conference call with Ms. Caldwell, myself, Kathy Citterbart, Kimberly Williams from the Building Department, and members of Thorlabs/Punctuated Equilibrium. We basically go over the status of the three areas that I'll describe. They give an update and see what issues have to be completed and if there are any problems that need to be addressed to keep the project moving. The first area, Punctuated Equilibrium, is basically where the parking lot was constructed at the intersection of Diller and Sparta Avenues. The parking lots are constructed all the way up to the stabilized base. There is temporary striping down. The lighting is complete except for two fixtures which are supposed to be done next week. This parking lot is actively being used. So that part is just about done until spring when the final surface and miscellaneous items can be completed. The second area, which is what we are going to talk about tonight, is the former Camp liff building. That structure is on its own separate lot and will be used for manufacturing processes for certain metal components for Thorlabs. The third area is Natural Selections which is on the remainder of the Moose Lodge property and the railroad property. This area has various parking lots, drainage, and infrastructure being constructed on it in addition to a three-story roughly 152,000 square foot building that is going to get built in 2020 and 2021. During these discussions certain things have come up. I'm referring back now to the former Camp liff building. I was in that building on December 30, 2019 for a meeting. They have made great strides on the interior of the building as far as the equipment going in there. There will also be storage of materials. During one of our last phone conferences, Robert Regimbal, the CFO from Thorlabs and Natural Selection brought up the concept that they want to take a small portion of the liff building and do some glass blowing work in that area. There will be a representative from Thorlabs here tonight to go over this in more detail. Basically there are small parts of the glass that will be worked on to be used with other products that they make. They asked about that during our discussions. I understand what they want to do but I don't recall that being discussed at the Board level when they came in. It was just light manufacturing discussed. After discussing this with Ms. Caldwell and Mr. Soloway I felt better bringing it before the Board to be a part of the minutes so everyone knows what they are doing. We came to the conclusion that as far as the site improvements go, there is no additional parking, no additional parking lot lighting, no landscaping, no exterior changes. It is just another process they are doing inside the building. I also sent the information that Thorlabs provided over to Joe Butto, the Town Construction Official and asked him if there were any issues involved in this. His response is in the emailed printout which is in your packet. His two main concerns are that the Fire Engineer and Mechanical Engineer verify that there is adequate fire protection in the area that they want to do this glass blowing business because it wasn't that

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use when they originally came up with the design. The second thing is to make sure it is ventilated properly. The other person I sent it to is Fred Margron, the Town's Sanitary Sewer Engineer. Fred advised me during a conference call we had at 2:30 this afternoon that in general terms, if it was just basic glass they were working with that's an essential problem with cooling water that would go down the drain into the sanitary sewer. But if it was any kind of specialty glass like a Pyrex or beaker with chemicals, there might have to be an amendment to permitting for discharge into the sewer system. Regardless of which way it went, anything that they do has to go through the permitting process from the Construction Official and the Sanitary Sewer Engineer. I just wanted to make the Board aware that there is this additional use that they are proposing. I don't see an issue with it. I asked Robert Regimbal if he had someone available from Thorlabs to come out tonight to answer any questions. Tyler Morgus is here. He is the manager with oversight of the glass blowing operations.

The Board had no initial questions for Mr. Morgus.

Mr. Soloway stated: I don't think this requires a formal amended site plan. It is still a permitted use that is all conducted indoors. It does not seem to indicate any site plan considerations. Mr. Simmons correctly, even though he now has authority from the last resolution to allow changes in construction in advance of agency approvals wants to be on the safe side and make the Board aware of what is going on. So that is what we have got.

Mr. Marion questioned: Will it be fueled by propane?

Mr. Morgus stated: Yes. There are two BBQ size tanks and they are housed inside.

No further questions.

CORRESPONDENCE

2019 Zoning Summary – David Soloway – January 7, 2020

Engineer's 2019 End-of-Year Report dated January 6, 2020

2019 Historic Commission Project Report/Planning Report – Jessica Caldwell – dated January 9, 2020

Resolution #38-2020 – Reappointment of Certain Board and Commission Members

The New Jersey Planner – November/December 2019

Sussex County Office of the Clerk – Important to date documents with the full year 2020 to avoid fraud.

EXECUTIVE SESSION - None

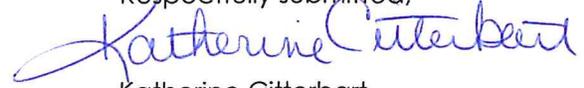
PUBLIC PORTION - None stepping forward

ADJOURNMENT

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Mr. Flaherty made a motion to adjourn the meeting. Motion seconded by Mr. Marion. The meeting was adjourned at 7:37 PM with a unanimous "aye" vote. The next meeting will be held on February 19, 2020 in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary