

TOWN OF NEWTON  
PLANNING BOARD  
JANUARY 20, 2021  
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The regular meeting of the Newton Planning Board took place on the above date via ZOOM. 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.

**OATH OF OFFICE:**

Neil Flaherty - Regular Member  
Joseph Ricciardo - Alternate Member  
Earl Schick-Alternate Member  
Helen Le Frois - Alternate Member  
Matthew Dickson - Class I  
Thomas S. Russo - Class II  
Jason Schlaffer- Class III

**AFFIRMATION OF TESTIMONY:**

David Simmons – Board Engineer  
Jessica Caldwell – Board Planner

**SALUTE TO THE FLAG:** Was recited.

**ROLL CALL:** Was taken

Attendance: Mr. Flaherty, Mr. Marion, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Dickson, Mr. Schlaffer, Mr. Russo, Mr. Ragsdale, Mr. Schick, Mr. Ricciardo, Mrs. Le Frois, Mr. Le Frois

Excused: Mr. Wink

Professionals present: Ursula Leo, Esq. of Laddey, Clark & Ryan  
David Simmons, Harold E. Pellow and Associates  
Jessica Caldwell, J. Caldwell & Associates

**THE SUNSHINE STATEMENT:** Was read.

**202 ELECTION AND APPOINTMENTS:**

**ELECTION OF CHAIRMAN:** A motion to nominate and appoint Greg Le Frois to the position of Chairman was made by Mr. Russo and seconded by Mr. Marion. There was no discussion and no other nominations. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mr. Dickson – yes; Mr. Schlaffer – yes; Mr. Russo – yes; Mr. Ragsdale – 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. Hall-Romer. There was no discussion and no other nominations. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mr. Dickson – yes; Mr. Schlaffer – yes; Mr. Russo – yes; Mr. Ragsdale – 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. Russo and seconded by Mr. Ragsdale. There was no

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discussion and no other nominations. Mr. Flaherty – yes; Mr. Marion – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mr. Dickson – yes; Mr. Schlaffer – yes; Mr. Russo – yes; Mr. Ragsdale – yes; Mr. Le Frois – yes. The motion carried

**APPOINTMENT OF BOARD ATTORNEY:** A motion to appoint Ursula Leo, Esq. of the firm Laddey, Clark & Ryan to the position of Board Attorney was made by Mr. Le Frois and seconded by Mr. Russo. There was no discussion and no other nominations. Mr. Flaherty – yes; Mr. Marion – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mr. Dickson – yes; Mr. Schlaffer – yes; Mr. Russo – yes; Mr. Ragsdale – yes; Mr. Le Frois – yes. The motion carried

**APPOINTMENT OF CONFLICT ATTORNEY:** A motion to appoint David Soloway, Esq., of the firm Vogel, Chait, Collins & Schneider to the position of Conflict Attorney was made by Mr. Le Frois and seconded by Mr. Russo. There was no discussion and no other nominations. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mr. Dickson – yes; Mr. Schlaffer – yes; Mr. Russo – yes; Mr. Ragsdale – 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. Le Frois and seconded by Mr. Russo. There was no discussion and no other nominations. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mr. Dickson – yes; Mr. Schlaffer – yes; Mr. Russo – yes; Mr. Ragsdale – 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. Le Frois and seconded by Mr. Russo. There was no discussion and no other nominations. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mr. Dickson – yes; Mr. Schlaffer – yes; Mr. Russo – yes; Mr. Ragsdale – 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. Le Frois and seconded by Mr. Russo. There was no discussion and no other nominations. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mr. Dickson – yes; Mr. Schlaffer – yes; Mr. Russo – yes; Mr. Ragsdale – yes; Mr. Le Frois – yes. The motion carried.

**APPOINTMENT OF CONFLICT BOARD PLANNER:** A motion to appoint Phil Abramson, Topology to the position of Conflict Board Planner was made by Mr. Le Frois and seconded by Mr. Russo. There was no discussion and no other nominations. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mr. Dickson – yes; Mr. Schlaffer – yes; Mr. Russo – yes; Mr. Ragsdale – yes; Mr. Le Frois – yes. The motion carried.

**NEWSPAPERS OF RECORD FOR 2021:** A motion to designate the New Jersey Herald and the Sunday New Jersey Herald as the official Newspapers of record was made by Mr. Le Frois and seconded by Mr. Russo. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mr. Dickson – yes; Mr. Schlaffer – yes; Mr. Russo – yes; Mr. Ragsdale – yes; Mr. Le Frois – yes. The motion carried.

**2021 TECHNICAL REVIEW COMMITTEE APPOINTED:**

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

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**2021 MEETING DATES:**

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 20, 2021  
February 17, 2021  
March 17, 2021  
April 21, 2021  
May 19, 2021  
June 16, 2021  
July 21, 2021  
August 18, 2021  
\*September 22, 2021  
October 20, 2021  
December 15, 2021  
January 19, 2022

\* September meeting is the fourth Wednesday of the month.

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

\*\*Falls after a Legal Holiday or following a Town Council meeting

A motion was made by Mr. Le Frois and seconded by Mr. Russo to approve the meeting dates for 2021. There was no discussion. Roll Call: Mr. Flaherty – yes; Mr. Marion – yes; Mrs. Vrahnos – yes; Mrs. Hall-Romer – yes; Mr. Dickson – yes; Mr. Schlaffer – yes; Mr. Russo – yes; Mr. Ragsdale – yes; Mr. Le Frois – yes. The motion carried.

**CONSIDERATION OF MINUTES**

December 18, 2020

**A motion was made by Mr. Flaherty and seconded by Mr. Russo to approve the December 18, 2020 meeting minutes including corrections.**

**AYE: Mr. Flaherty, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Russo, Mr. Ragsdale, Mr. Ricciardo, Mr. Le Frois**

**The motion was carried.**

**HISTORIC RESOLUTIONS**

None

**RESOLUTIONS**

**AHS Hospital Corp. (P-12-2020)  
175 High Street  
Block 1.01, Lots 3 &4**

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The Resolution grants site plan and bulk variance approval for signage at the Newton Medical Center.

**A motion was made by Mrs. Vrahnos and seconded by Mr. Flaherty to approve the resolution.**

**AYE: Mr. Flaherty, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Russo, Mr. Ragsdale, Mr. Le Frois**

**The motion was carried.**

**Katie's House (P-13-2020)  
26 Mason Ave.  
Block 18.04, Lot 23**

The Resolution grants a setback variance to allow construction of a wheelchair accessible ramp.

**A motion was made by Mrs. Vrahnos and seconded by Mr. Flaherty to approve the resolution.**

**AYE: Mr. Flaherty, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Russo, Mr. Ragsdale, Mr. Le Frois**

**The motion was carried.**

**Marforana Enterprises, LLC (P- 14-2020)  
104 Sparta Ave.  
Block 22.05, Lots 13.01 & 13.02**

The Resolution grants an amended site plan to allow the modification of two units.

**A motion was made by Mrs. Vrahnos and seconded by Mr. Ragsdale to approve the resolution.**

**AYE: Mr. Flaherty, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Russo, Mr. Ragsdale, Mr. Le Frois**

**The motion was carried.**

**COURTESY REVIEW**

Newton Board of Education (# P-1-2021)  
59 Halsted Street  
Block 14.05, Lot 13  
44 Ryerson Ave.  
Block 6.05, Lot 12

The Newton Board of Education is to give a Courtesy Review on the proposed projects to be reviewed.

Ms. Leo described the courtesy review process.

The Newton Board of Education (BOE) presented a courtesy review for the installation of solar photovoltaic systems on school rooftops. Specifically, the planned project includes exterior lighting upgrades to LED at Merriam Avenue, Halsted Middle School and Newton High School;

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146 kW solar photovoltaic system at Halsted Middle School; and 204 kW solar photovoltaic system at Newton High School.

The BOE presentation included information from prior BOE CFO Donna Snyder and new BOE CDO James Sekelsy, as well as individuals from Advanced Solar Projects and Honeywell regarding the solar photovoltaic systems. The Board planner reviewed the BOE proposal and had no objections, as set forth in the January 15, 2021 report by J. Caldwell & Associates, attached hereto.

Board members commented and trust that the structural integrity of the roof for the solar panels and due diligence regarding the best financial deal of the project will be followed up on by the BOE.

The BOE proposal was found to be consistent with the Town's Master Plan general goals and objectives, as well as environmental/conservation goals and objectives.

**OLD BUSINESS:**

None

**NEW BUSINESS**

**Angelina Louis & Alfred Stewart, Jr. (#P-14-2020)**  
**137 Mill Street**  
**Block 3.04, Lot 3**

The Applicant is requesting minor site plan approval with a "d" variance.

***Application was carried without further notice to the regularly scheduled meeting of the Newton Planning Board on February 17, 2021 via ZOOM.***

**Punctuated Equilibrium, LLC- (P-15-2020)**  
**1 Brooks Plaza**  
**Block 20.01, Lot 1;**  
**Block 22.04, Lots 3 & 6**

The Applicant is requesting preliminary site plan approval for the construction of a 158,000 sq. ft. building and bulk variance approval for first-floor story height.

*The Applicant(s) may seek any additional approvals, bulk variances, design waivers, interpretations, or other approvals as may be determined to be necessary by the Board during the review of these applications.*

Peter Donnelly, Esq. from Donnelly, Minter, and Kelly LLC represented the applicant.

Mr. Donnelly introduced the application and stated: This is a site plan application with variance for 1 Brooks Plaza which is a roughly 60 acre industrial site just off of Diller Avenue. We have our Engineer, Tom Graham, who will speak and we also have Robert Regimbal to testify. If the Board wants to hear from the architect, he will be available at 9:30pm to testify. This is an application to remove an existing building in an industrial zone and to build a 158,000 square

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foot building and associated site improvements that go along with that. I would like to have our two witnesses sworn in.

Sworn in:

Tom Graham, Dykstra Walker Design Group  
Robert Regimbald, Thorlabs.

Tom Graham, Dykstra Walker described his professional credentials as a licensed engineer in the State of NJ. He has been a licensed Professional Engineer since 1991 and his license is current. The Board accepted his credentials.

Mr. Donnelly questioned: Can you give the Board a rundown of the application?

Mr. Graham stated: This Thorlabs property is block 2.01 lot 1 which is where the building is located. It is more commonly known as 1 Brooks Plaza. The property is 70.65 acres and has frontage along Diller Avenue. It's irregularly shaped. The properties to the East are utility company properties; JCP&L, formerly the gas company Elizabethtown Gas, and the Town of Newton's sewer pump station. Properties to the North are residential in nature and are separated from our development by a minimum of 240 feet through the common property line and those properties are also on the other side of an existing 140 foot wide power line easement that separates the existing homes to their backyards and then to our property. Properties to the West and South are buffered by large wetland area that affects the majority of the property and our closest point to any of those common property lines is over 500 feet. The site is accessed by an existing driveway which traverses from Diller Avenue through properties identified as block 22.04 lots 3 and 6. Lot 3 is the Punctuated Equilibrium property or the recently completed parking lot property. From this area it leaves the property and then goes through properties that are controlled by JCP&L or their subsidiaries and ultimately getting back onto the main lot and then providing access up the hill to the existing site. This site supports an existing 48,000 square foot industrial building, associated parking, and loading areas. The site is served today by electric, gas, municipal water, and a sewer system which connects the property to the sewer pump station property by a private sewer lateral, a portion of which is actually elevated above ground where it goes through the wetland area. The development area that we're looking at is kind of an island within the property. The property is restricted by steep slopes, the JCP&L 140 foot wide easement, wetlands, the transition area to those wetlands, floodplain areas, or flood hazard areas, and an unnamed tributary of the Paulinskill which traverses through the site. The applicant is proposing the construction of a 153,000 square foot building with associated parking and loading areas. The building will be constructed in two phases. The first phase is 100,000 square feet and is the larger northerly portion of the building as shown on the site plans that were provided to the Board. Once that 100,000 square foot section is completed, the activities which occur today in the 48,000 square foot building will be moved into the 100,000 square foot building. Then the existing building will be demolished and in addition to the 100,000 square foot building, 53,000 square feet will be constructed. So today there's 48,000 square feet of building. When the project is fully completed there will be 153,000 square feet of building. We're proposing to construct 459 parking spaces as required by your ordinance. This is going to be a warehouse distribution facility. The bulk of the building is going to be for storage of product waiting to be distributed to other places. So, the proposed staffing for the two shifts will total 190 people assuming that everybody is on site at the same time. We have approximately 250 excess parking spaces. So part of our request is that we identify areas and bank those parking spaces and not construct them today. But they are approved. You can see where they need to be, and we would like to be able to keep those green until such time as the demand warrants the

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construction. The property is served by the municipal water system. It is the plan to extend that water system around the proposed building. This will provide us with the ability to have fire hydrants all the way around the proposed building. In addition, the site is served by an existing sewer service connection which is a private sewer service and again it runs from the building across the wetlands to the existing pump station. Part of that sewer system is actually on piers several feet above grade. We are proposing to abandon that and construct an onsite pump station with a force main directing the flow to the existing driveway. We propose to construct a manhole at the high point of the driveway which is at about the midpoint of the driveway and from that point on we will have a gravity sewer which will connect to the existing system on Diller Avenue. The existing driveway is only 24 feet wide at its widest point. It's our intent to increase the width of that commercial driveway to 30 feet and add a sidewalk from Diller Avenue up to the main entrance of the building. This site is part of the overall Thor campus and it is important that the people that occupy this space have the ability to get to the other sites. They can drive or they can walk, because certainly everything is within walking distance to the center of Newton. In addition, there will be a proposed bus stop. You might recall, as part of the Quantum Leap project, there is a shuttle service or shuttle bus that is supposed to run between the Quantum Leap project, the 56 Sparta Ave project, the recently completed Diller Avenue parking lot, and this proposed location. The site has electrical and gas service. Those will be re-routed to the property. In addition to the existing services, an emergency generator will be provided and that is proposed to be constructed in the same vicinity as the pump station and the dumpster area. The dumpster area will be enclosed. The generator will similarly be enclosed much like the one is for the Quantum Leap project to make sure that the noise is not an issue. But again, although the project is in the center of downtown Newton, it's very remote to its closest neighbors. If you don't know where this project is you will drive by all day and you'll never know that it's there. The existing driveway which enters the site is going to be improved. When you approach the area of the development, the access driveway will actually be split. It's the intent to create a truck only access to the loading area that's located in the northerly section of the property. We're trying to separate any pedestrian traffic or passenger vehicle traffic from the truck traffic. It will be expanded slightly to service the new building. We have to make sure the access goes all the way around the property and the aisle is at least 30 feet. That will accommodate not only the truck traffic that will be on site but will also provide safe access for fire vehicles that may need to drive all the way around. We have had conversations with the Fire Marshal, Mr. Rome. It's my understanding that he has forwarded an email to Kathy and that it says we have some minor plan revisions to make. He wanted to make sure that the building was going to be sprinklered and met all the fire codes that are applicable to the building. In addition, they're looking for some Fire Department connections at the buildings. Where those are located, we're going to have to modify our parking layout a little bit so that the Fire Department has clear access to the connections. If you look at the plan, you'll see that we've pretty much put parking all around the building except for the loading areas. So, to provide clear access to those fire connections, we will have to eliminate the parking spaces that are directly in front of them. Maybe two spaces in front of each Fire Department connection. Again, your ordinance requires 459 parking spaces be constructed for this project and that's what we show on the plan. If we have to eliminate a couple along the perimeter of the project, we have ample area to make up those parking spaces. If you are looking at the plan in the upper right-hand corner, we have a bay of parking. We could extend that to make up whatever parking spaces we may have to relocate around the perimeter of the building. The site is bisected by the JCP&L power line easement. We are proposing some minor grading within the easement. Our driveway crosses through the easement to get access from Diller Avenue up to the site. We've had conversations with JCP&L about the proposed design and what they would allow and how close we can get to their utility poles. The plan that is before you has

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been designed based on those recommendations and the criteria that we were provided in Mr. Simmons's report. He had requested that we provide some confirmation that JCP&L is in conformance with or agreement with our plan and we will be obtaining that information and providing it. In addition, I'd like to point out that the properties immediately to the West of the property are JCP&L or Elizabethtown Gas properties or owned by subsidiaries of those entities. That area is under an environmental reclamation project. They are still in the process of identifying the extent of the contamination and trying to get their remediation plan approved by the DEP so that the area can be cleaned up. There are a number of monitoring wells that are on this property that were associated with the study of the contaminated properties. We have been working with the environmental consultant for JCP&L and have made some modifications to our plan in respect to the location of those monitoring wells so that we don't disturb them. We are disturbing a couple of them but those have been identified as no longer necessary in their monitoring because those areas have been determined to be clean. None of the contamination that's associated with those JCP&L properties is on the Thor property. This property is clean with respect to the work that the environmental consultant is doing. We talked about the parking. Again, we're proposing 459 spaces per your ordinance. Based on the projected staffing for this building, if everybody that was going to be there at any part of the day was there that would be 195 required spaces and we have well over 450 spaces. We would like to keep the site as green as possible and land bank some of those parking spaces until we get closer to the potential number of spaces that may be required or occupied on the site. The parking and loading areas will be concrete and the islands will be curved concrete curbs. The areas are proposed to be lighted with LED lighting. In Mr. Simmons's report he had a couple of questions regarding the lighting. The light poles are all single fixture poles. Some of them have different light dispersion models and we will provide those isolate patterns to you through the specific lights to address that concern. Also, the portion of the existing driveway does not meet the half foot candle limit. We reviewed that and we can add an additional light fixture along the driveway so that the entire driveway meets the half foot candle criteria. In the area of the loading dock to the North of the building there was a thin potentially darker area in the middle of the loading area. We've had some conversations with the lighting manufacturer, and they were able to address that. Instead of having the lighting downward illuminated they can put a bracket on to slant the lights slightly so that the light isn't just thrown down, but it gets thrown forward and we believe that this will eliminate the issue that was raised in Dave's letter. These lights are going to be the ones that face the back of the building so they're not facing any of the neighbors which are several hundred feet away and would not really be affected by the lighting anyway. But those lights that face the back of our building on the northerly side are the ones that we think we will have to modify slightly so we get a better light dispersion in the back.

Mr. Donnelly questioned: That's a good segue. Can you just point out to the Board the various bulk requirements on our map and how we meet those particular setbacks and impervious coverage?

Mr. Graham stated: Yes. This project is in the SD4 zone district and we meet all of the bulk requirements for the property. Our site is 70.6 acres in area. The minimum lot width is 50 feet and we have determined that it's 87.3 feet. It's basically a flag lot. It has frontage on Diller Avenue then it is a relatively narrow section of property until it gets about 400 to 500 feet up the driveway and then it becomes a very wide, large piece of property. But our minimum front yard setback required is 30 feet and we are going to be 983 feet. The existing building is 996 feet. The minimum rear yard setback required is 30 feet. The existing building is 596 feet and we're going to be 681 feet. The minimum side yard setback is 30 feet and we're going to be 265 feet for our minimum side yard setback. The allowable impervious coverage for the zone is 70%. The existing

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site is 4 1/2% and we are going to be 15% upon full build out of the property including those parking areas which I think for the time being we would request to land bank. The maximum building height for the zone is 50 feet or four stories. We are going to be 35 feet or one story. Your ordinance has another section about the maximum first floor story height; 24 feet is allowed and we're going to be at 35 feet. This is an industrial building for the warehousing and temporary storage and distribution of the components that Thorlabs manufacturers and based on the specific requirements of Thorlabs and the racking systems that they're going to use, the 35 foot height is much more efficient than just trying to maintain a 24 foot high area because of the volume of area that is anticipated to be required. If we were limited to the 24 foot height we would have to build approximately another 50% of the building area to accommodate our storage requirements. So, we feel that the 35 foot first floor height is proper and will not deter from the zoning ordinance or have any effect on any of the surrounding properties. It won't be visually unattractive. Again, the building is only going to be 35 feet high where 50 feet is allowed but our one story building exceeds the 24 foot height.

Mr. Donnelly stated: The applicant will talk about the aesthetics of that with the architect later on in the presentation and will have some renderings for the Board.

Mr. Graham stated: In the synopsis of the zoning requirements and the bulk requirements for the property the only deviation from that section is the maximum first floor height where 24 feet is allowed and we're at 35 feet. In regard to signs, we are proposing two signs on the building façade. There is an existing freestanding sign down by the area where the driveway intersects Diller Avenue. Mr. Simmons had asked for some more detail on those signs. We will flesh those out a little bit later and then provide them for his review. But the signs will absolutely conform to what your ordinance allows or requires so we will not be needing any sign variances for the application. We have provided a landscaping plan on the property. Our plan generally depicts the trees, both the deciduous and coniferous in nature throughout the property. But we have fallen a little short of your zoning ordinance specifically section 240-8C which requires 15% of the interior parking lot area be landscaped and regarding what kind of landscape is required. Our plan only depicts trees. We will add some shrubbery and hedges along the foundation, planting especially in the main entryway of the building. When you first come up the access driveway you're looking right at the corner of the building. That area will be supplemented with some additional landscaping, but we are going to require the waiver from section 240-8C regarding 15% of the interior parking lot area to be landscape. Again, this is a 70 acre site and we're disturbing about 10 acres of the site. It is surrounded by wooded areas and it is not a site that can be seen from the neighbors or from the roadways. To create this 15% interior parking lot landscaping equates to about every 7th space would have to be some kind of a landscape island. If we were to meet this requirement to provide more greenspace islands it would only force us to increase the area of impervious surface. The trees that we show on the plan we're going to supplement around the building. We also require a variance from section 320-24G(2) of the town code which requires 50% of the paved parking lot surface shall be shaded by tree canopies within 15 years of planting. I did a little research and most of the trees are oak trees and maple trees. After 20 years the canopy provides 315 square feet of shade area. So if we assume that this tree canopy is a sphere or circle the 315 square feet equates to a circle that has a diameter of 20 feet. If we look at the parking areas and we had 10 by 20 parking spaces and we planted a tree right in the middle of those four parking spaces for parking spaces at 10 by 20 would be 800 square feet the area covered by one tree is 315 square feet that equates to only 39% coverage. So if we planted a tree every two parking spaces we would only cover 39% of the parking areas by shade that does not even consider the access aisles which in my reading of the ordinance would also have to be covered by shade. I don't think it's practically

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possible to meet this particular ordinance section by the planting of trees in the parking area. The trees just aren't big enough to cover enough area. I'm going to ask for the variance from that particular section. Regarding the environmental impact statement that was provided there are a number of monitoring wells that are shown on the property. Again these were located by field survey and we also got information about the wells from the environmental consultant who's working for JCP&L now. That information is provided on the plans. The location of the plans was absolutely considered in the expansion plans for the property and we had conversations with the environmental consultant and we actually relocated a portion of the main driveway so as to avoid some of what they considered their critical monitoring wells. We relocated the driveway so that those monitoring wells were no longer going to be within the paved surface of the driveway so that they could have clear and safe access when they need to get to those monitoring wells.

Mr. Donnelly questioned: Can you tell us about the bike path?

Mr. Graham stated: Yes. There is a bike path very close to the existing driveway which services the Diller Avenue parking area. The bike path will cross over our existing driveway. We will absolutely provide the wayfinding signage and the crosswalk area that defines the bike pathway. It's only located right where our driveway meets the road. We're not moving it at all. We will just enhance the area so that it is clearly evident where that is. Mr. Simmons had pointed out that we should include a handicap access or ADA ramp. It certainly was the intent if it's not clear on the plans. We will enhance the plan to show the sidewalks where they meet the driveways will be ADA accessible. Mr. Simmons had also requested a couple of other details on the fence along a wall. If it's not clear on the plan, that is the intent certainly wherever a fence is required along any walls they will be provided. We are fully intent on conforming with the applicable codes for the property.

Mr. Donnelly questioned: Do you have the stormwater calculations for this property?

Mr. Graham stated: Yes. We will collect surface water from the site using a series of inlets and interconnected pipes which will collect the surface runoff and direct it towards one of two proposed underground storm detention basin chambers. This is very similar to what has been recently constructed on the Quantum Leap property. Those basins will reduce the peak rate of flow that is discharged from the site. The water will then go through one of two manufactured stormwater water quality treatment areas before it is ultimately discharged and then thrown over land, then through the wetland area, ultimately to the unnamed tributary of the Paulinskill River where it will leave the property to the North.

Mr. Donnelly questioned: So we can comply with the DEP regulations regarding dealing with our storm water?

Mr. Graham stated: Yes. I believe that we have. Mr. Simmons made a statement very similar to that in his letter that the project met the requirements. There is some coordination that we are going to have to do with the municipal water system to just confirm some of the things we are showing on the plan as outlined in Mr. Simmons's letter. We are going to reach out to Mr. Carr to make sure we can provide that information to Mr. Simmons. We require water and sewer service from the municipality. We have submitted our application to the Water Sewer Utility Board and it's my hope that will be on their agenda at next month's meeting. Any of the other details that Mr. Simmons has requested in his letter that are not already on the plan will be provided for his review to his satisfaction. That is the total project. Any questions?

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Mr. Ragsdale questioned: Where is the fill material coming from?

Mr. Graham stated: The source of that material has not yet been identified. Any materials that will have to come into the property will have to come in either via Route 206 or Route 15 and then either along Sparta Avenue or potentially Woodside Avenue to Newton Sparta Road to Diller Avenue to travel the short distance from the County Road to the existing driveway. We've had some conversations with the contractors who made some suggestions on maybe how to reduce that number so we're going to be fine tuning that number and looking at that a little bit. But certainly all truck traffic will have to come along that short portion of Diller Avenue from Sparta Avenue to the main driveway and then it will travel along County roads or State roads until it gets to the source of the materials. I understand that's about 1200 truckloads. It's a lot of material and I need to double check the number. We are proposing underground stormwater management chambers in the parking lot and I'm not sure that the void space that is created is accurately depicted in that number. I will be revising or looking at the earthwork and we will submit revised calculations to Mr. Simmons. This volume of material might require a soil movement permit from the Towns. Once we finalize that number we will be applying for that soil movement permit and at that time the source of any materials and the routes of travel will be identified. But it's going to be that couple of 100 feet of Diller Avenue to the County Road and then from the County Road to the State highways.

Mr. Ragsdale questioned: On environmental plan sheet 14 there are a number of shaded areas. Can you explain what that's about?

Mr. Graham stated: Yes. We've been in contact with the environmental consultant for the JCP&L properties and those shaded areas are areas of concern or areas of excavation and those areas have been identified as needing some kind of remediation environmentally. I'm not sure exactly what the remediation requirements are but those are the areas that have been identified as areas of concern or AOC. We've shown them and they are not on this property. There is one area of wetland excavation that comes on this property but again that's not an area that needs remediation.

Mr. Ragsdale questioned: OK. One more question on the environmental plan. They note reactive cores within those shaded areas. Do you know what that is?

Mr. Graham stated: I do not but I can try to find out an answer and get back to the professionals and share that with the Board. But again this information was provided to us from environmental consulting for the JCP&L properties.

Mr. Ricciardo questioned: What will be stored onsite inside the building?

Mr. Regimbal stated: It is used for our finished goods inventory. We have 20,000 SKUs that we offer for sale through our catalog. Both catalog products and custom-made items. So it's all that stuff. It's all of our mechanical and photonics components and subsystems. They are stored there and then shipped out to customers worldwide.

Mr. Ricciardo questioned: How many trucks a day do you anticipate?

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Mr. Donnelly stated: Once the project is complete, we are expecting 58 trucks a day. That's a mix of Thorlabs box trucks, tractor trailers, vans, UPS vans and box trucks. That is outlined in the facilities impact report.

Mr. Graham stated: A lot of those are Thorlabs box trucks going between the local facilities. They will be running finished goods out of those locations to the warehouse. From the warehouse items are distributed to customers. Today we have 45 trucks that visit the site per day.

Mr. Ricciardo questioned the parking.

Mr. Graham reviewed the parking details on the plan sheet: Your ordinance requires 457 parking spots but if all employee shifts overlap each other that's about 195 parking spaces needed. In the orientation of the plan, the top of the plan is the north side of the sheet and then the bottom of the sheet is the South side. In the northeast corridor there's a single loaded bay of parking spaces along the truck access drive to the rear loading zone. I would suggest that those spaces be eliminated. The ones on the outside. The ones on the upper left-hand corner on the outside of the plan as you are looking at it. On the East side there is a double loaded bay of parking. Those spaces could be eliminated and then these spaces on the East side of the plan, the outside spaces, that entire row could be eliminated. We would end up with an excess of 200 parking spaces where at the worst possible time of day where anybody who might be at this property is on site and everybody's there and nobody's left, that is still more parking spaces than would expect to be required.

Mr. Le Frois stated: It doesn't make sense to build almost double the number of parking spaces you need. I suggest that you grade to allow that to be added at some time.

Mr. Graham stated: Absolutely. We can accommodate the required number of parking spaces and we are going to put in the infrastructure required. But until they are required, they are going to be greenspace.

Parking discussion ensued.

Mr. Ricciardo questioned: Is phase 2 a completely new building?

Mr. Regimbal stated: It's a new building.

Mr. Ricciardo asked about the shifts.

Mr. Regimbal stated: There will be 80 people working in the office, smaller section, and about 75 people will be in the warehousing and distribution section. So more than half are in the office section and that's why we're concentrating on maintaining that parking area.

Mr. Ricciardo questioned: You also mentioned underground storage tanks. Who maintains them?

Mr. Regimbal stated: It's a private system. It's their responsibility to maintain them. One comment from Mr. Simmons's letter was that we have to provide an operation and maintenance manual. Once we get approval for the design we'll prepare and provide that to him for his review.

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Mr. Ricciardo questioned: What quantity of water will you need for a fire suppression system in that building?

Mr. Graham stated: I do not know the answer to that but the building will meet all fire codes. If it is determined that the existing water supply will not reach it we can add a booster pump to adequately cover the building.

Mr. Ricciardo questioned Mr. Russo on the water supply available to the multiple upcoming developments. Mr. Russo explained that it is first come, first served and we currently have capacity.

Discussion ensued on the water supply and usage for daily operations versus fire suppression.

Mr. Simmons described the history of the water main in the area and explained that the capacity is sufficient for this location.

5 minute break

Portion opened to the public.

1<sup>st</sup> Public: Nicholas Aruggia: Will the existing driveway be used or replaced?

Mr. Graham stated: Yes. We will use it and widen it and include a sidewalk parallel to it. We will also curve around monitoring wells. We are keeping the driveway and will improve it.

Nicholas Aruggia: His home is across the existing driveway. Concerned about increase traffic on Diller. Afraid it will hurt property values.

Mr. Le Frois stated: We can talk about that when talk about operations with Mr. Regimbal?

2<sup>nd</sup> Public: Ludmila Mecaj, concerned about the water capacity. What will happen with other development?

Mr. Le Frois stated: This was provided by Mr. Simmons. The maximum the Town can use is 1M gallons a day and we are at 650K a day. This facility will only use 3,000 a day, which is about 2% of the existing use. It won't stress the usage.

Ms. Mecaj questioned: Will the existing water/sewer connection be used or will it have to be reconnected or upgraded after the second phase?

Mr. Graham stated: The site is already served with water connection. Our intent is to just extend that water service where it terminates today in the vicinity of the existing building to loop it around the proposed building. With respect to the sewer, today there is a sewer service connection which leaves the existing building and goes away from the existing driveway, through the wetlands, to the existing pump station. That will be eliminated or abandoned. It's our intent to provide the pump station on site, a force main to the point where there is a high point in the driveway. From there we are going to construct a manhole and then a new pipe all the way down to the existing sewer that exists in Diller Avenue. At that location where they intersect, we will make a new connection to the existing sewer services.

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Mr. Donnelly questioned: Will that sewer pipe be underneath the driveway?

Mr. Graham stated: Yes.

Mr. Donnelly questioned: And the existing water line is underneath the driveway and if it needs to be upgraded it will be underneath the driveway?

Mr. Graham stated: Yes.

Ms. Mecaj questioned: As a follow up to water usage, Tom you made mention of first come, first served. What does that mean?

Mr. Russo stated: If somebody makes an application today it goes against our capacity. If someone makes an application eight years from now we will address it then.

3<sup>rd</sup> Public: John Kipsbah, 102 Mount View. What about light pollution and water run-off? Concerned it will cause flooding in his yard.

Mr. Graham stated: Between his property and ours is the 140' wide JCP&L easement. Also in the area of the building we are no closer than 200' to the common property line. So his dwelling will be 300-400' away. The lighting we are using is only 14' high. It is a shoebox fixture. It is downward illuminated. There is significant distance and elevation change and vegetation between our properties. I don't believe light pollution will be any consequence to any of the neighbors also because of the vertical separation between the properties. With respect to the water in the wetlands, the run off will be collected and the discharge to the wetlands will be controlled and maintained. The current rules for a project of this magnitude, is not only that we limit the current run-off but we have to reduce the peak flow. So it's up to 50% for the two year storm, or the more common storm event, and 20% for the theoretical 100 year storm event. It is my opinion that there will be no appreciable change to the water surface elevations in the wetlands.

Ms. Mecaj questioned: Ten years from now there may be more big companies in the Town. You said our capacity is 2/3 used and has 1/3 available. Is there a concern for the future for water capacity?

Mr. Graham stated: This particular project is going to use less than 4000 gallons a day or 1% of your available capacity. So, you could have 100 more projects like this and still be under your capacity.

4<sup>th</sup> Public: JC. With all concern of water, and the amount of combustibles onsite, using conventional floor rate calculations it could require 50,000 gallons a minute of water to put out a fire. Has any consideration been given to a municipally fed onsite water storage system that would also feed the sprinkler system? This is similar to the Andover Sub-acute Center.

Mr. Graham stated: We believe that there is adequate pressure and capacity in the existing system to provide fire flow for the site. Again, the site will be constructed in conformance with all fire and building codes. If some supplemental system is ultimately required, we will address it at that time. But there are other ways to fight fires than just water. There are other fire suppression systems. If something else is required, we'll make the analysis and come up with the proper plan

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so that the building Department can issue the permits. The Fire Marshal has requested some modifications but for the most part the plan will remain the same.

Mr. Le Frois questioned: How flammable is the material that will be stored here?

Mr. Regimbal stated: There is no gas if that's what you are asking. The finished products are metal components and optical components for the most part. The boxes they are stored in are flammable certainly if they were to catch fire. We're not working on site with any chemicals or combustibles that would really cause them to ignite. I understand that we need to have fire suppression systems in our facilities for a whole variety of reasons such as health, safety, and insurance. But I know we've never had a fire at one of our facilities and I don't expect that it will have one in the future.

Mr. Le Frois stated: So, the characterization of the materials as combustible and requiring a massive amount of water to fight a fire may be overstating the case a bit.

Mr. Le Frois questioned Ms. Leo: Should we be getting names, addresses, and verbal questions rather than chat functions?

Ms. Leo stated: We need to get names, addresses, and have them speak or they can do this through the chat function.

No more public stepping forward. Portion closed.

Mr. Donnelly introduced the Architect, Lance Blake.

Sworn in: Lance Blake, Rotwein & Blake, 16 Microlab Road, Livingston, NJ

Mr. Blake presented the Board with his qualification and credentials as a licensed Architect. His license is current. The Board accepted his qualifications.

Mr. Donnelly questioned: You prepared the architectural plans for this project. Correct?

Mr. Blake stated: Correct.

Mr. Donnelly questioned: Can you run through all the elements of the plans for the Board?

Mr. Blake stated: Yes. There are two exhibits. One is just the floor plan and the other is the overall elevation. Looking at drawing A4.0, you can see the North elevation, South elevation East and West elevations. The majority of the building is going to be a structurally insulated concrete panel in phase one, which is basically a vertical panel that is insulated and will clad the majority of the building. Where we're putting more of the architectural effort is going to be in phase two at the entrance as you approach the building. We're going to be adding elements of curtain wall, aluminum tube and glass, material that is a translucent material of polycarbonate, and also some architectural insulated metal panels. Also, some branding elements for signage.

Architectural renderings were introduced to the Board and marked as Exhibit A1.

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Mr. Blake referenced the renderings and stated: This is the main driveway coming in from Diller Avenue. This is the area of the building where the office functions take place and amenity type areas of the building. It will basically have an approach and a presence where we have this kind of wide overhang porch feeling. The entrance surrounding is in red and that has the branding element for Thorlabs. Generous portions of glass curtain wall and glass storefront. The dark charcoal elements are a metal panel with some wood-look soffit elements to give it a little bit of warmth as well. When you come down Diller you're really hit with a beautiful view of the building and materials. So, the rest of the building around is a precast or a concrete panel. It will have some articulation as well. There will be other entrances or exits and loading docks. If we go to the other rendering, this is looking more full-on at the longer of the elevations of that front area. Again, you can see on the second level surrounded by the metal panels we have the polycarbonate material. It's translucent but at night it will kind of take on a glowing element. You can see how we're handling the front entrance area with a gracious two-story entry portion. Then on the other end the Thorlabs branding elements with more of the polycarbonate material. So, although the building is not going to be visible from the street, at least when you approach the building from the main drive this is primarily what you're going to see.

Mr. Ricciardo questioned: You said there are going to be insulated metal panels?

Mr. Blake stated: The majority of the building in phase one will be either tilt-up concrete insulated panels or pre-fabricated concrete insulated panels. They are joined together and sealed. It is a very energy efficient system.

Portion opened to the public. None stepping forward. Portion closed.

Mr. Le Frois questioned: What landscaping are you planning?

Mr. Graham stated: Generally, around the parking lots we have some islands that are curved from side to side. But then there are other sidewalks to allow for pedestrian access from the more remote sections of the parking lot to the building. The balance of those islands would be turf or grass. We did have some trees within those areas. The plan does not show any foundation plantings only because Lance's building was so pretty, I didn't want to screw it up with plants. But Mr. Simmons did point out that it's appropriate that we have some foundation plantings. So we will supplement the plan to include some plantings between the sidewalk and the building where we can. We do have sidewalk right up against the building in some sections of it so obviously we couldn't put foundation plantings there. But I think that first view that Lance had where you're kind of coming up to the building kind of catty corner to the building certainly that facade we will be able to enhance with some landscaping then, there are some other opportunities around the perimeter where we could put some additional shrubs or other plantings.

Mr. Le Frois questioned Mr. Donnelly: Would you be amenable to a condition that would be subject to confirmation of Mr. Simmons, additional foundation plantings and other plantings would be spaced around the site to accommodate a higher level of landscaping?

Mr. Donnelly stated: Yes.

Mr. Regimbal discussed operations and stated: The goods we are talking about are finished goods inventory. There opto-mechanical instruments and components. So optical lenses and

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mechanical pieces, bedboards, optical cables, some electronics, meters and things of that nature. None of those are combustible on their own. There's nothing in the operation of the facility that requires the use of chemicals or gases or anything that's flammable. The finished goods come to that location from our other sites where they are being manufactured today. Once raw materials and components are assembled into finished goods today, they are transported to the Brooks location to this site today. So, nothing is changing other than we're expanding the facility to allow for more goods to be stored in the future. Currently we don't have enough space. We're leasing additional space outside of Newton to accommodate the shortage in space that we have. So, in terms of our finished goods inventory, it is not highly flammable. Obviously, the corrugated boxes and packing material might be considered flammable but you'd have to actively do something to get it going.

Mr. Le Frois questioned: Is the warehouse itself conditioned? Cooled and heated like the offices.

Mr. Regimbal stated: Some areas tend to be cooler because you have the big bay doors that get opened and closed all day long as we receive the goods and send them out. But yes. It is heated and it is air conditioned and we try to maintain an even climate. Currently, on site we have approximately 30 people that show up in the first shift and 30 in our second shift. We have approximately 15 people on site who do administrative work. That would be under normal circumstances. The 15 admin personnel who previously reported to that site currently work remotely due to COVID. That will go back to normal condition post COVID. As we expand the facility and we get to our phase two expansion we expect to go from 30 in our first shift to about 65 at the high end. So we're looking at approximately 80 people on site at any one time on a regular basis. We may bring in some additional administrative resources that support our finished goods inventory. Our technical support and call center works very closely with the logistics of our warehouse. When goods are being shipped and prepared for delivery and out to our customers. Truck traffic almost doesn't change at all. In terms of the impact of the traffic flow that we have currently for UPS, DHL, and FedEx, I think that essentially stays the same. We have 45 trucks that show up to the site today. That consists of UPS, FedEx, DHL. Then we have the box trucks and trailers that also come to the site to deliver the finished goods inventory. So DHL, FedEx, and UPS come to pick up our goods at the end of the day to bring them out to Newark Airport and to have them shipped out. So the increase in traffic that we would see following the full expansion through phase two would be more milk runs from the Thorlabs box trucks. That's going to go from 22 to about 30 a day. Tractor trailers will go from about five a day to eight a day. The other box trucks that come to deliver components or finished goods inventory from our other locations would go from four a day to six a day. So in total we're going from 45 deliveries today to 58 at the high point once we're done with the expansion. So 13 more trips a day. So it will be minimal impact on traffic. For the employees who report to that site who are already traveling into Newton on a daily basis they report at 56 Sparta. The majority of these particular employees already report to this Quantum Realm site. So I don't see much of an impact during regular traffic hours in the Newton area. All of these employees are employees that have regularly reported to either the 56 Sparta Ave site or the 435 Andover site which will shift over to the Quantum Leap facility on Sparta Ave when it's completed later this year.

Mr. Le Frois questioned: So a couple quick questions while we're on the subject of traffic. Number one, are there specific operating hours for the office and the warehouse? It sounds like there's two shifts. What would the timeframe be? Secondly, within that time frame are there concentrations of trucks or are the 58 going to be spread throughout the day?

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Mr. Regimbal stated: Our admin employees who come in on regular business hours eight to five, that's 15 employees altogether. And then we have our warehouse and distribution shifts. They work in two shifts from 4:45 AM to 1:15 PM. That's our first shift and it's approximately currently 30 employees and that's going to go to approximately 65 or 75 in the 2nd shift thereabouts. The 2nd shift starts at 1:15pm and goes to 9:45pm. Truck traffic is all day from 8:00 AM to 8:00 PM. The UPS, DHL, and FedEx trucks are towards the end of the day when we get ready to ship out to take the goods to the airport to be shipped. So the bulk of the traffic during the day are the milk runs and box trucks that take products back and forth.

Mr. Ricciardo questioned: How do you move the material from the racks to load them into the truck?

Mr. Regimbal stated: Forklift.

Mr. Ricciardo questioned: How are they fueled?

Mr. Regimbal stated: I don't know how they are fueled. I think some are electric. I would have to talk to operations. A lot are small and carried by hand. Some of the larger items are palletized.

Mr. Ricciardo questioned: Electric would need a charging station. Otherwise would it be propane or diesel?

Mr. Regimbal stated: Probably propane but I will have to talk to operations to find out.

Portion opened to the public.

1<sup>st</sup> Public: Ludmilla Mecaj, 9 Madison Street, Newton.

Are your trucks going to use the Diller exit or Spring Street to Sparta Avenue? Also, can you do truck traffic in the night?

Mr. Regimbal stated: So the trucks that would be using Spring Street to Diller Avenue to access the facility would be the small box trucks or milk runs. To the extent the product is coming out of Quantum Realm that's one possibility. But it's just as easy for them to take Sparta Avenue to run those products to the Quantum Realm facility. Today those milk runs occur about 22 to 40 times a day depending on their origin. They'll use the local streets as well as Sparta Avenue. The larger trucks will all come to the site via Sparta Avenue.

Mr. Donnelly stated: Robert, I think one of the questions was about timing. Is it fair to say that the timing of DHL, FedEx, and UPS is really dictated by their schedule and the Newark Airport schedule?

Mr. Regimbal stated: Yes. UPS is our latest pickup and is from 6:00 to 8:00 PM. All the other trucks and the larger truck traffic ends by 6:00 PM. So we have 1 late and that's the latest run we can have to make the last flight. Which is the current condition today.

2<sup>nd</sup> Public: Darlene Tishpah, regarding landscaping. There is a lot of wildlife in this area. If you plant near the building you will attract a lot of animals coming to eat the vegetation that might get in the way of the trucks and traffic.

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Mr. Regimbal stated: There are 60 acres of this site that we are not disturbing. Yes there will be some development but it's limited in scope. I don't think there is a huge risk to the local habitats. We are only increasing truck traffic by 13 a day.

3<sup>rd</sup> Public: Nicholas Aruggia, how many trucks will come from new facility on Spring to Diller?

Mr. Regimbal stated: I don't have the break down. Currently the 22 trucks are coming from 56 Sparta. We are talking about adding 8. But there will be some division between the 8 and the 22 coming from 56 Sparta. I can get an answer but will have to get it from operations. Those are the small box trucks. I would assume 8 to 10.

Mr. Aruggia questioned: Will the trucks have a preference in which route to take, Diller or Sparta Ave?

Mr. Regimbal stated: Our loading area currently is situated near Spring Street so I could see the smaller box trucks coming on to Spring Street and shooting up to Diller. They're not much bigger than the size of a car. The larger trucks are restricted and are required to enter and exit from Sparta Avenue. So those won't be using Spring Street and that was part of our Quantum Leap plan.

No more public stepping forward. Portion closed.

Mr. Donnelly stated: We consider this application a preliminary and final site plan application. I think the Board understands this applicant and that we tend to come forth with fully engineered plans with architects and fully engineered building plans and landscape plans and utility plans. So we consider our plans final. When we get to that point, if we get to that point, tonight we would like to be considered for preliminary and final site plan approval.

Mr. Simmons referred to his report dated January 14, 2021 and stated: The applicant did cover substantially most of the items. Just a couple of things I'd like to highlight. Under page 3 item number 3 on the site plan, the reason I mentioned a large volume of soil and the number of trucks coming in and out, the concern was for any condition that the Board might consider for the application, my concern was minimizing the amount of truck traffic for that volume of fill or whatever it turns out to be not to come through Diller Avenue persay. Other than the section from Sparta Avenue to the driveway back to the EJ Brooks Drive. I thought that was a very important thing. We've tried to work with the neighbors further down Diller Avenue to minimize impacts and I think that's something that the applicant should take into consideration with regards to their plans for bringing material into the site in that volume.

Mr. Le Frois stated: OK so we would definitely want to make that a condition of a positive resolution.

Mr. Simmons stated: Yes. The other item on that same page on parking, I understand what the applicant's saying as far as banking some of the parking. The one concern I would have is that on the East side of the building and also further on the West side of the building at the extremes of the parking there are retaining walls that are shown to be constructed. Some of them are substantial and particularly along the East side where they have to apply for a transitional adjustment at the DEP. My assumption is that even if they left some of the future bank parking spaces grass for the time being, they would in fact construct retaining walls at this time so that it was set up. Again my concern is you never know DEP changes something in the future and then

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they couldn't get the permits necessary to construct the retaining walls. I would be concerned about that so I would just want to make sure that the applicant's intent is to construct and grade all the way up to and including the retaining walls.

Mr. Graham stated: Yes. That is what the plan would be. The infrastructure would be put in today. If and when the parking is required we don't want to have to dig up the whole thing. It makes sense to construct that portion.

Mr. Simmons continued: Moving on to 4, stormwater management. I think it's fair to say that the applicant can meet the requirements of the DEP as far as our review goes. There's just some t's to cross and l's dotted as far as the plans go and I believe they've agreed to do that. With regards to the utilities in particular water and sanitary sewer, the one thing I just want to make sure of is that the applicant is in agreement with our understanding that for the sanitary sewer from the proposed pump station by their proposed building, the force main up to the high point for discussion purposes of the access drive, and the gravity sewer from the high point of the access drive down to the tie in and Diller Avenue, that that's all going to be the applicant and that's all going to be privately owned by them and will be their responsibility to construct maintain and repair. And by the same token the existing 8 inch main where it ties in on Diller Avenue all the way up to where it ends today and then the new 8 inch main or whatever size it ends up being, going around the perimeter of the proposed building is all private and to be constructed maintained and taken care of by the applicant.

Mr. Graham stated: That is consistent with the way it's treated today. The water line is their water line and the sewer line and elevated portion is the responsibility and ownership of the property owner. We're just increasing what they own and will have to maintain.

Mr. Simmons continued: The applicant covered the lighting, the bike path they are going to take care of regarding the signage, the landscaping I understand it's a difficult situation to try and meet these particular parts of the code. I brought it up mainly because the Board was in agreement to grant a waiver of variance depending on the section. Signage and architectural plans are not an issue. Environmentally, I believe they've addressed that as far as the monitoring wells, construction details, I think it's something that Mr. Graham can take care of, and the various approvals, removal of the existing storage trailers on site upon completion and the as-built were basically what's left of my report.

Ms. Caldwell referenced her report dated January 14, 2021 and stated: I would just like to hit a few highlights. The applicant addressed most of the issues and items but I would note that it is in the industrial manufacturing zone and largely compliant with all of the bulk standards. He did mention the one maximum first floor story-height variance. Even though the ordinance seems recent, it was almost nine years ago now and warehouses are being designed little bit differently and they are a bit taller. So I do think that the variance makes sense in terms of how the warehouse is going to be designed. On Page 3, parking is compliant, signage is compliant. Mr. Simmons covered the lighting and landscaping. We do have two waivers and a variance requested. Under the facilities impact report I did want to note some things that I thought were positive from a planning perspective in part because of the variances but also to note to the Board things that I thought were a good part of this project and one is eliminating that elevated sewer main that runs through the wetlands surrounding the site in favor of a force main under Brooks Drive which I think is the more appropriate location for that. Also, that employee trips to the site generally occur off peak hours. I know Robert mentioned that they start quite early in the morning before 5:00 o'clock on the 1st shift and end around 1:30 in the afternoon. So the

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way the split shift works is they're never having employees come to the site during peak hours except for a few office employees. That I think is a great benefit to everyone around the site by minimizing traffic impact. Also, the increase in truck traffic is very minimal. Given that they are increasing the warehouse size by three times, an additional 18 trips per day is very minimal. The environmental impact statements didn't show any long term impacts from the proposal. I did have one comment about the Sussex County Rail Trail or the bike path system that's been discussed. I was looking for where that would go. I would just have one request that there isn't a sidewalk that's been proposed down the driveway for employees that might be parking up at this site and then walking to other location. I'm wondering if the rail trail could be combined onto that sidewalk rather than putting bikes out onto the driveway because of the truck traffic. I think maybe a slightly wider sidewalk and having the bikes and pedestrians share that sidewalk would work. Maybe you can work that out with Mr. Simmons and myself.

Mr. Graham stated: We will certainly look into that and provide our thoughts on it.

Ms. Caldwell stated: I think given the amount of truck traffic just shooting them out across the driveway isn't a great planning idea. If we can keep them on the sidewalk and then send them across Diller Avenue before the driveway, I think that would make better planning sense. Architecturals were covered. In terms of the variance, I think they are cognizable under the c2 criteria. Mr. Graham presented testimony with respect to that and what the Board needs to find is that the benefits of granting the variance outweigh any detriments. Then any conditions that have been applied can mitigate any impact and that summarizes my report.

Application opened to the public.

1<sup>st</sup> Public: Peggy Baldini, 10 Barry Lane, Newton. Is this the only hearing that will be on this application or will you be back next month for more questions?

Mr. Le Frois stated: The applicant has requested a preliminary and final site plan. Ms. Leo, can you please explain the ramifications of this for us?

Ms. Leo stated: The difference between a preliminary versus a preliminary and final site plan is that they would not have to return back to the Board. Typically, a preliminary only would be granted where there's a lot of changes that are anticipated or some follow-ups that need to be made. Based upon the discussion tonight, it seems appropriate for preliminary and final to be at least considered by the Board given that there's not many open items. Which would mean that the hearing would end tonight. There would be a resolution of approval tonight and that would be both preliminary and final. There would be no need for them to return to the Board.

Mr. Le Frois stated: And as Mr. Donnelly stated, our experience in the past with this applicant has been very positive in terms of making sure there aren't loose ends and if there were satisfying them to meet the required criteria. In the past we have granted preliminary and final for several applications brought forth by Thorlabs.

2<sup>nd</sup> Public: Nicholas Aruggia. Do you currently run a morning and night shift at this location?

Mr. Regimbal stated: Yes.

Mr. Aruggia questioned: Will the timing of employees and trucks basically stay the same?

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Mr. Regimbal stated: Yes.

Portion of the application closed.

Ms. Leo drafted the resolution and stated: This will be a preliminary and final site plan as proposed by the applicant. It would be a variance for first floor story-height of 35 feet where the maximum first floor story-height of only 24 feet is permitted. Also a variance for the paved area surface shading and two waivers for landscaping as explained by the applicant. The conditions would be a 30 foot wide access for the entire length of the drive. Trucks at truck access for fill materials only to utilized Diller Avenue between Sparta Avenue and Brooks Plaza. The applicant to make the fire code and fire connection requirements for the Town Fire Department and County Fire Marshall. Any minor parking revisions to be approved by the Board Engineer. 200 parking spaces to be constructed as part of the project with 257 parking spaces to remain as greenspace banked but with grading retaining walls and infrastructure storm drainage to be completed now. Additional parking is provided by the applicant within six months of the Town's request. Landscaping to be supplemented for the Board Engineer approval particularly regarding additional foundation planting at the front of the building and additional landscaping throughout this site. Compliance with the Board Engineer's and the Board Planner's January 14, 2021 reports. Water and sewer approval from the Town Utility Advisory Board. The water and sewer mains off of Diller Avenue to be privately owned, constructed, and maintained by the applicant and not the Town. Soil removal permits to be obtained prior to any soil removal. Applicant to prepare and submit for Board Engineer approval. No bulk storage of chemicals, gases, or combustibles on site. Rail Trail to be combined with the proposed new sidewalk to prevent trail users from sharing the access with trucks per the Board Planner and Engineer approval. If lighting on the western side of the building spills into the neighboring property, then some kind of cut off shield be provided. No outdoor storage permitted.

**Mr. Flaherty made a motion to approve the application for preliminary and final site plan including the conditions outlined by Ms. Leo. Motion seconded by Mr. Marion.**

**Aye: Mr. Flaherty, Mr. Marion, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Dickson, Mr. Russo, Mr. Ragsdale, Mr. Schick, Mr. Le Frois**

**Motion carried.**

**CORRESPONDENCE**

2020 Zoning Summary - David Soloway

**Mr. Le Frois made a motion to accept the Zoning Summary. Mr. Russo seconded the motion.**

**Aye: Mr. Flaherty, Mr. Marion, Mrs. Vrahnos, Mrs. Hall-Romer, Mr. Dickson, Mr. Russo, Mr. Ragsdale, Mr. Schick, Mr. Le Frois**

**Zoning Summary approved.**

Engineer's 2020 End-of-Year Report - David Simmons of Harold E. Pellow & Associates

2020 Historic Commission Project Report/Planning Report-Jessica Caldwell of J. Caldwell & Associates.

TOWN OF NEWTON  
PLANNING BOARD  
JANUARY 20, 2021  
MINUTES

Resolution #10-2021 Appointment of Mayor as a Class I Member of the Newton Planning Board.

Resolution #11-2021 Appointment of Town Council Representation as a Class III Member to the Newton Planning Board

Resolution #24-2021 Appointment of Sandy Diglio to HPC

Resolution #37-2021 Appointment of Helen Le Frois as an Alternate to the Newton Planning Board

Resolution #38-2021 Reappointment of certain Boards & Commission Members

Resignation of John-Paul Couce

**EXECUTIVE SESSION**

None.

**PUBLIC PORTION**

Portion opened to the public. None stepping forward. Portion closed.

**Mr. Marion made a motion to adjourn the meeting. Motion seconded by Mr. Ragsdale. The meeting was adjourned at 11:20 PM with a unanimous "aye" vote.** The next meeting will be held on February 17, 2021 via ZOOM.

Respectfully submitted,  
  
Katherine Citterbart  
Planning Board Secretary