

**Planning Board Meeting  
Regular Meeting June 16, 2010  
7:00 pm**

The regular meeting of the Planning Board took place on the above date. Chairwoman McCabe read the Open Public Meeting Act and requested Mrs. Citterbart called the roll. Board Secretary Mrs. Citterbart stated there was a quorum.

**Members Present:** Mr. Caffrey, Mr. Elvidge, Mr. Le Frois, Mr. Ricciardo, Mr. Russo, Mr. Flaherty and Mrs. McCabe

**ALSO PRESENT:** Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, Cory Stoner, Board Engineer from the firm Harold E. Pellow & Associates, Jessica Caldwell, Board Planner from the firm Harold E. Pellow & Associates and Kathy Citterbart Planning Board Secretary.

**FLAG SALUTE**

**CONSIDERATION OF MINUTES**

**April 21, 2010**

**Mr. Flaherty made a motion to approve the minutes. Mr. Ricciardo seconded the motion.**

**AYE:** Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. Le Frois and Chairwoman McCabe

**HISTORIC RESOLUTIONS**

**Applicant: #HPC-08-2010- Lin Xing, China Garden  
Property Location: 71 Spring Street  
Block: 716, Lot: 14**

**Recommendation to replace existing sign, maintain existing storefront façade or replace with in kind material, maintain existing storefront awnings or replace in kind as per the ordinance.**

**Mr. Elvidge made a motion to approve the resolution. Mr. Le Frois seconded the motion.**

**AYE:** Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. Le Frois and Chairwoman McCabe

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**Applicant: #HPC-09-2010- Lakeland Bank  
Property Location: 30 Park Place  
Block: 715, Lot: 8**

**Recommendation to replace all existing signage with new signs of the same square footage.**

**Mr. Ricciardo made a motion to approve the resolution. Mr. Flaherty seconded the motion.**

**AYE:** Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. Le Frois and Chairwoman McCabe

**Applicant: HPC-05-2010- James Sakellaropoulos/Waldmere Hotel  
Property Location: 144 Spring Street  
Block: 711, Lot: 27**

**Recommendation to approve the appeal of the decision of the Historic Preservation Advisory Commission on May 19, 2010 and approve the following items: Vinyl siding on the three sides of the building which includes the two (2) sides and the rear of the building, hardipank siding on the front of the building, vinyl replacement windows, and replace fascia & soffit with pvc and fypon and ½ inch round gutter.**

**Mr. Ricciardo made a motion to approve the resolution. Mr. Elvidge seconded the motion.**

**AYE:** Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. Le Frois

**ABSTAINED:** Chairwoman McCabe

**RESOLUTIONS**

**None**

**OLD BUSINESS**

**None**

**NEW BUSINESS**

**COAH**

Jessica Caldwell, Town Planner, from the firm Harold E. Pellow & Associates introduced the new criteria.

Mrs. Caldwell stated: Before you, you have a Master Plan Re-examination report dated June 2010 and a proposed update to the Housing Element and Fair Share Plan

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also dated June 2010. The Master Plan Re-examination report identifies two areas that obtains and prompted us to recommend we re-examine the Housing Element and updating it. Our 2008 Fair Share Plan included a request for a waiver for some pre 1980 credits. One of the waivers was denied by COAH and left us with a 79 unit shortfall of our Fair Share Plan. Concurrently we have been conducting some other planning for 2009 that included a study showing the vacant land available for development within the town. Having looked at that, we realized there is a potential that the projection from COAH would not be able to be met given the amount of vacant land that we have available in the town. We also have a redevelopment area plan that is in the works for Merriam Gateway site that included a proposal for affordable housing so all of those things prompted us to take a look at the Housing Element and look at the potential for updating it and look at the potential to seek an adjusted gross reproduction due to the amount of vacant land that we have in the town and also due to the fact that our waiver was denied. We took a look at the vacant land within the town and we applied it according to COAH's rules four units to the acre for residential land and 40 jobs to the acre for commercial land. We had accepted all wetland areas because buffers are all over 15%. That resulted in a projected gross of 257 housing units and 308 jobs. If you compare that to the original projection from COAH in 2008 that was 409 housing units and 2,108 jobs so there is quite a big differential there. The resulting housing units that would result from that for affordable housing would be 71 units. According to COAH rules you also have to identify what the current obligation is of the town from 2004 to present. I calculated the current obligation of 44 units. So when you combine the 71 units with the adjusted gross share projection and the 44 units of the current obligation you come up with a total obligation of 115 units. That is 99 units less than the production gross share that we have in 2008. Due to the reduced gross share we updated the housing element in the Fair Share Plan accordingly. COAH did adjust our prior round credits. We were certified for round two. They reviewed and adjusted our prior round credits we had the inclusionary zone included in our round two so we had enough affordable housing built in this town that we can meet round two without using the inclusionary zone so they adjusted our credits accordingly so we enter round three with basically a clean slate. So we have the 115 units that we need to address. It was pretty much the same recommendations we did in the prior plan with the exception of the waiver request. We have the inclusionary zoning area Lots 1 and 1.06 and Block 101 which is on Route 94 adjacent to the Newton Memorial Hospital. We are proposing approximately 7 acres of that site with a 20 percent set aside and there would be a remaining 45 areas to the site. That would shield 71 affordable units and 17 of those units we have identified for rental housing. We have 3 redevelopment areas that we are utilizing for our inclusionary zone. We have Patterson Avenue which is a 12 area site which revealed 14 affordable units and we get a bonus for being in a redevelopment area. The Hicks Avenue redevelopment area covers 13 areas. It would yield 18 affordable units which will be 14 which would be 24 units per credits because it is in a redevelopment area. The Merriam Gateway plan included a proposal for 45 total apartments. It would generate nine affordable apartments with 12 COAH rental unit credits. This is a basic summary of that plan. We have a rehabilitation plan which includes 43 units. Already completed is 22 rehabilitation units and we have credits for those and we have 21 remaining to meet with our existing redevelopment program. Our Inclusionary zoning would provide us 71 credits and our redevelopment area would

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provide 55 credits and we actually end up with a total of slightly higher than our obligation of 126 credits. Those are the updates to the plan.

Chairwoman McCabe opened this portion of the meeting up to the public.

Jeffrey Kantowitz, Esq. from the firm Day Pitney, LLP representing Kenneth Martin. Mr. Kantowitz stated: Mr. Martin is the owner of the land that you all know as the SP 9 Zone the PRDA Zone and he has been involved in this process and is eager and looking forward to working with the Board and professionals and your council in the hopes of bringing to realistic fruition the development that you are contemplating and the ideas and concepts that you have expressed as a result of your re-examination which Ms. Caldwell described. We think the ideas express planning and designing to maximize the use of that land relative proximity to the hospital and that the concepts that Ms. Caldwell has articulated in the documents are ones that we think are viable and feasible and we are prepared to pursue discussion with the professionals to try and get this moving because I think it is in everybody's interest, town, citizenry, ratables those in desire and in need of both choice of housing as well as what the state terms as affordable housing, to see this kind development move forward. As I mentioned to Ms. Caldwell, I don't think it takes a lot of imagination to understand that housing which is designed well, priced affordable can serve a great benefit especially where there are employment opportunities and other opportunities in close proximity to the hospital. We are encouraged and we will be in contact depending on this Board's action tonight with the professionals with the hope in trying to work with the Board and the town to develop realistic standards so that we do not spin a lot of wheels and waste a lot of time and effort without getting somewhere. We thank you for the analysis and the time put in recognizing the purposefulness of this and that it needs to be done in a way with a landowner cognitive of the market.

Chairwoman McCabe stated: Thank you Mr. Kantowitz. We have appreciated working with Mr. Martin.

Chairwoman McCabe closed this portion of the meeting to the public.

**Mr. Flaherty made above to approve the Adopted Master Plan Re-Examination Report prepared by Harold E. Pellow & Associates and the Element Fair Share Plan dated June 2010. Mr. Ricciardo seconded the motion.**

**AYE:** Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Mr. Le Frois, Mrs. McCabe

**Application: #PB-05-2010- Thorlabs, Urban Renewal, LLC**

**Property Location: 56 Sparta Avenue**

**Block: 1104 Lot: 21 MXD Zone**

**Applicant requesting Preliminary and Final Site Plan approval for construction of a 98,000 square foot building.**

Peter T. Donnelly, Attorney with Graham Curtin representing Thorlabs.

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Mr. Donnelly stated: This is a redevelopment area that the town has adopted and Thorlabs is the redeveloper. Tonight we are here presenting a plan that is pursuant to this redevelopment plan that this Board has adopted and it is being presented by our redeveloper. We have a few deviations from the redevelopment plan and a few design waivers. Mr. Stoner has already issued an engineering letter. We have responded to it. We have met with Mr. Stoner, the engineer and architect from Langan and myself and have prepared a response and I think that it is in the packet also.

Chairwoman McCabe stated: I would like to set some perimeters. This is a complicated site plan. It is a large site plan. I would like you to have your witnesses testify. After each of your witnesses testifies I would like to give Mr. Stoner and Mr. Soloway an opportunity to respond at which point I would like the Board to ask any questions they may have.

**SWORN:** Carmine Cerminara, AIA from Cerminara Architect, Carmine Lencsak, Thorlabs, Daniel D. Disario, PE from Langan Engineering traffic consultant, Richard Burrow, PE, LEED AP, from Langan Engineering, civil engineer for the project.

Mr. Burrow stated: I am with Langan Engineering. I am a licensed professional engineer in the state New Jersey. I have 16 years experience as a Civil Engineer. I have appeared before many Planning Boards. This is my first time before a commission. I represented many projects throughout the state. I have a Bachelor's degree in Civil Engineering. I have seen these plans.

Mr. Disario stated: I represent transportation services at Langan Engineering. I have a Bachelor of Science in Civil Engineering from Tufts University and a Master of Science in Transportation Engineering from NJIT. I am licensed professional engineer in the State of New Jersey and I also a Certified Professional Traffic Operation Engineer. I have appeared before various Planning and Zoning boards and over 150 municipalities in the State of New Jersey. I have been accepted an expert witness in the Traffic Engineering field before the Zoning Board. I am familiar with the traffic report that has been submitted to the board in connection with this project.

Mr. Cerminara stated: I am a registered architect in the State of New Jersey. I hold a Bachelor's Degree of Architecture from Virginia Tech. I have been practicing architecture for about 35 year and have headed up my own firm for about 20 years. I am the architect of record for the project and I have appeared before many boards in similar circumstances. I am also a member of NCARB which is the National Council of Registration Boards. I am familiar with the plans for this project.

Mr. Donnelly stated: Mr. Lencsak will not be sworn in because he will not be testifying as an expert tonight.

Mr. Soloway stated: The board will accept Mr. Burrow's qualification as the professional engineer, Mr. Disario as the traffic operation expert and Cerminara as the architect.

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Mr. Donnelly requested Mr. Lencsak to state his name, occupation and where he lives. Carmine Lencsak. I am the C.O.O of Thorlabs. I reside in Newton, New Jersey and have been with Thorlabs for about 10 years.

Mr. Donnelly stated: Tell us about Thorlabs.

Mr. Lencsak stated: We were founded in 1989. In Sussex County we have 4 locations. Two are in Newton and two are in Andover. We have US operations in Maryland and Virginia and we have worldwide operations in the U.K., Sweden, Germany, France, China and Japan.

Mr. Donnelly asked: What will be the plan for Thorlabs in regards this building?

Mr. Lencsak stated: Thorlabs is a high tech manufacture in the photonic industry which is the science of light, also known as fiber optics. We manufacture optic and optical mechanical products as well as assemble electronics and fiber components for the research community. This facility will be a high tech light manufacturing facility with an office supporting a diversified staff.

Mr. Donnelly asked: How many employees do you anticipate?

Mr. Lencsak stated: 265.

Mr. Donnelly asked: Tell us about the owner of Thorlabs. Does he have a connection to the community here?

Mr. Lencsak stated: His name is Alex Cable. He is the owner and the founder of the organization. He has been a Sussex County resident for 20 years. He lives in Newton. Mr. Cable could be with tonight because he is out of the country on a business trip.

Mr. Donnelly asked: Tell us about the phasing on this project.

Mr. Lencsak stated: We are focused on Phase I of the operation and that is to establish a corporate headquarters in Newton. We want to make this our home.

Mr. Donnelly stated: I have no further questions for this witness.

Chairwoman McCabe opened this portion of the meeting up to the board for questioning.

Mr. Le Frois asked: Could you talk about the hours of operations?

Mr. Lencsak stated: There will be a flow of activity with people arriving to work from 6:30am to about 9:30am and then departing between 4:30pm to about 7:30pm. There is a second shift that will arrive around 3:00pm and leave at 2:00am. Most people are working in the daylight hours.

Mr. Donnelly asked: How many people will be working the evening shift?

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Mr. Lencsak stated: About 15 – 20 people.

Mr. Le Frois asked: So from about 2 am to about 6 am is it generally vacant or no operations going on at that time?

Mr. Lencsak stated: Lights will go out but we could have a few people in the manufacturing operation.

Mr. Le Frois asked: So there could be somebody there 24 hours a day?

Mr. Lencsak stated: Yes

Mr. Le Frois stated: Is it 7 days a week?

Mr. Lencsak stated: No.

Mr. Le Frois asked: Monday through Friday?

Mr. Lencsak stated: Yes. Mondays thru Fridays with a half day on Saturdays.

Mr. Ricciardo asked: Deliveries will be through Fed Ex and UPS. There will be very little tractor trailer deliveries here. What hours are those deliveries?

Mr. Lencsak stated: Those deliveries usually occur between 9 am and 11 am and between 5 pm and 7pm. There will be sporadic deliveries in between with Fed Ex and UPS.

Mr. Ricciardo asked: Will tractor trailer deliveries occur at this site?

Mr. Lencsak stated: We have a facility in Andover and the plan today is to keep that facility there where we have a product called Tables which will require a 18 wheeler.

Mr. Ricciardo asked: Once the building in Newton is complete, is there the potential for the tractor trailer delivery to occur at this location.

Mr. Lencsak stated: There is the potential. It would be about three a day.

Mr. Ricciardo asked: When do you think this will happen?

Mr. Lencsak stated: I anticipate it to stay at the Andover plant.

Mr. Ricciardo asked: Are we basing this approval on the fact that tractor trailers will not be coming to this site presently and only Fed Ex and UPS trucks will be or are we basing it on the potential that the tractor trailer delivery will occur with this approval?

Mr. Lencsak stated: We are basing it on the fact that it will occur with this approval.

Mr. Elvidge asked: Your anticipated headcount of 265 is that based on new hires or is it a transfer of employees from existing locations in Andover.

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Mr. Lencsak stated: It will be a transfer of employees. We have some people in our other Newton facility that will transfer to the new facility and it will also be a projected ramp up of employees as well.

Mr. Elvidge asked: When the building is complete will you have 265 people entering the building or will they come over time?

Mr. Lencsak stated: There will be 265 employees entering the building.

Mr. Ricciardo asked: Will there be any truck deliveries on Saturdays or any time over the weekend?

Mr. Lencsak stated: Yes. There will Fed Ex and UPS deliveries on Saturdays no Sundays.

Chairwoman McCabe opened this portion of the meeting to the public. With no public coming forward this portion is closed.

Mr. Donnelly asked Mr. Burrow: Please give the board the history of the site and current state of site?

Mr. Burrow stated: The site was occupied by a silk company from 1896 to the 1960's. Sometime in 1992, 1995 the buildings from that development were demolished and the site lies vacant today.

Mr. Donnelly asked: It has been an industrial site for 115 years approximately?

Mr. Burrow stated: Correct. It is a Brown field site. There is some contamination on this site. Through the redevelopment process, which was approved, we will be bringing the site from its current lack of use to a use and benefit to the community.

Mr. Donnelly asked: You talked about the site being vacant and contaminated. Tell the Board just how the development of the site will alleviate that situation with the contamination and why developing the site will make it better from an environmental standpoint.

Mr. Burrow stated: The contamination on the site is not a strong contamination. It is a mild contamination mostly historic fill, some hydro carbons and methyl. The development forms a cap which provides a barrier from people interacting with contamination. So if you approve this development this evening, the building, the parking lot and the landscape areas will act as a cap that will separate the people from the contamination. We will be doing remediation to the site which is a solution to the contamination issue.

Mr. Donnelly asked: You are familiar with the plans and you did prepare the engineering plan for this application which you signed?

Mr. Burrow stated: Yes.

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Mr. Donnelly asked: Can you tell us the plans for redevelopment of the site by Thorlabs.

Mr. Burrow stated: **Exhibit A1** is an aerial photograph showing site Block: 1104, Lot: 21 dated 6/16/2010. In the middle of the photo you can see the trees, parking lot and the building. The site is 5.61 areas and it is bordered by Pine Street to the West and Merriam Avenue to the South, Sparta Avenue to the East, and adjacent residential properties to the Northwest with commercial properties on the northern border. Chun Bo Chinese Restaurant is in the Southeast corner of the lot. **Exhibit A2** Aerial photo of site dated 6/16/2010. Other than some vegetation around the site, it is vacant. You can see the outline of the former silk mill and the foundations but essentially the site is vacant. It is also flat. The general elevation is 590. **Exhibit A3** dated 6/16/2010 Landscaping plan proposed site layout. You can see the building in the Northeast corner it 98,400 sq. feet, 48,000 sq. ft. on the first floor and 2<sup>nd</sup> and 3<sup>rd</sup> floors in the front are 25,200 sq. feet. The front portion is three stories and the rear portion is one story. We have set back the building 40 feet from the proposed lot length and 42 feet from the existing lot lane of Sparta Avenue.

Mr. Donnelly asked: Does that comply with the redevelopment plan?

Mr. Borrow stated: It does. The proposed building complies with all the setback requirements in the Redevelopment Plan. I will take you through the layout site and the key features. There are 295 car parking spaces on the site; 151 in the Southeast corner, 146 in the Southwest corner and 18 car parking spaces opposite the loading area. As it was mentioned earlier there are 216 employees on the site at peak time so the 295 car parking spaces which we show is in exact compliance with the required number in the redevelopment plan is also very much consistent with the proposed use of the site.

Mr. Donnelly asked: Do the size of the spaces comply with the plan?

Mr. Borrow stated: It does. The spaces are 9 x 18 spaces in compliance with the plan and we have seven handicap spaces located adjacent to the building entrance. There are two entrance driveways to the site; one is off Merriam Avenue to the south and one is off Pine Street to the west. The driveways look the same but they do perform different functions. The driveway off Merriam is intended to take all the delivery traffic as well as provide car access to the site. You can see the direct route to the loading area on the west side of the building. There will be a sign there stating loading area so all the anticipated vehicles can maneuver within that space. As we mentioned, most of the deliveries will be small Fed Ex trucks but we can also handle a tractor trailer. There are four loading docks on the west side of the building. Two of those are low loading docks 4 feet off the ground and two of them are only 2ft off the ground to suit a Fed Ex delivery. The driveway to Merriam Avenue is going to be for cars and trucks. The driveway to Pine Street is going to be restricted to cars only. So trucks will come in and leave only via Merriam Avenue. Cars will be able to come in and leave via both entrances.

Mr. Donnelly asked: Will there be signs on the property to tell trucks not to go out to Pine Street?

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Mr. Burrow stated: That is correct. There will be signs that identify no trucks. We do have a monument sign on Merriam Avenue which is one of the deviations we are looking for this evening but I think you will agree for people to take their cars from the South you come along Merriam Avenue we don't want you to miss the site so a monument sign is appropriate and will identify Thorlabs. **Exhibit 3, Landscape Plan**, dated 6/16/2010. There is a significant amount of landscaping on the site. We have increased it since we submitted the plans. There is a clear buffer around the neighbors to the North particularly the residential neighbors in the North and West corners. We have a double stack row of trees and shrubs to provide a buffer between them and the development. We have continued buffering along the commercial properties but not as much. In the front we have a mix of Ash and Cherry trees and perennials. We have two sidewalks and an area for seating. It will be a nice setting in town that people will recognize as an entrance to Thorlabs. As you go around the site we continue with street trees all around the perimeter. Also around the perimeter of the car parking lot there will be a continuous row of evergreen shrubs. The shrubs will be 24 to 34 inches high so they will provide a significant barrier immediately and that will increase as the shrubs grow over time.

Mr. Donnelly stated: So that is one of our technical waivers that we are asking for because it is a little smaller than the shrub dimensions called for in the plan.

Mr. Burrow stated: The shrub dimensions in the plan call for a minimum of 30 inches at the time of planting and we are requesting a minimum of 24 inches at the time of planting. Just as a point of *interest*, we will have over 950 shrubs on the site and I think it is a great design. They will all grow over time and will meet the requirement of 30 inches in height.

Mr. Donnelly asked: On the trees, we initially asked for a design waiver for caliber width but we are no longer asking for that right?

Mr. Burrow stated: That is correct.

Mr. Donnelly asked: There was a requirement in the plan for one tree every 4 parking space. We initially came forth with one tree every 5.2 parking spaces but we have since agreed to modify the plan a little bit to reduce the amount of the waiver?

Mr. Burrow stated: That is correct. We were also initially seeking a waiver for no new requirement of shading 50% of the car parking lot after 15 years. We have redesigned the landscape plans slightly so we do meet that requirement so we are going to have sufficient trees and will grow after 15 years to shade 50% of the parking lot and to do that we had to add 14 additional trees within the parking lot. We really feel we have maximized the amount of the trees we can fit in the parking lot and that gives us the ratio of one tree per 4.3 spaces which is very close to the one tree to 4 spaces the amount required for the redevelopment plan.

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Mr. Donnelly asked: With regards to the tree planting there was also a requirement regarding planter size in the parking lot? Can you talk about that and I will request for a technical waiver for that.

Mr. Burrow stated: There are 295 parking spaces. We have managed to fit in islands wherever we can but because the site is not a perfect square some of those islands are somewhat irregular in shape. We felt it better to have smaller irregular islands than no islands but they don't meet the exact requirements of the dimensions of the Redevelopment Plan.

Mr. Burrow stated: This building is the first phase. We really can't alter the parking spots because of the underground utilities infrastructure and that is with the intent that if future phases are built on the site you will have a building pad in the parking lot in the southeast corner and a building pad in the parking lot in the southwest corner. One of those would be a building and the other one would be a parking structure. **Exhibit A4 Grading and Drainage Plan dated 5/12/2010 doesn't need to be mark because there are no changes.** We have split the site into two. The roof drainage for the site is also deemed clean and that is picked up in one system which is discharged to the existing sewage system with some detention for storm water quantity. All of the parking lots and paved areas area picked up in a different system which we also detained in 20 rows of 125 foot long 36 inch pipe again significant storm water retention. This is all filtered through a storm filter unit which is located immediately west of the southwest corner of the building. All of the paved surfaces within the site are to be treated under what the town and state storm water regulations for water quality will be treated to 80%. The requirement only needs to meet 65% and we are providing 80% so we are providing 15% beyond what is required with town and state ordinances.

Mr. Donnelly asked: There is a question about ground water recharge and a ground water recharge requirement. Tell us about that and why that is something we will not be able to meet.

Mr. Burrow stated: Because this is a Brownfield site and in the development there is a cap on the contaminated soil underneath. The State and Fed Regulations Board prohibits storm water recharge. We do want to introduce drain water into a site that might mobilize those contaminates and perhaps they could flow off site unto someone else's property. Waiver is from the town and not a state requirement.

Mr. Donnelly asked: In Mr. Stoner's letter he had several separate items on storm water managements items A-F, and is it correct that the applicant has complied with those items A-F.

Mr. Burrow stated: That is correct.

Mr. Burrow stated: The site will be flat and will continue to be flat. There will not be any significant draining going on the site. There is not significant import or export of soil.

Mr. Donnelly asked: Off the grading topic, Mr. Stoner had some comments regarding retaining wall and details on the retaining walls do you have something else?

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Mr. Burrow stated: Yes we have retaining walls on the truck course just to separate them. They are 2 ft. retaining walls. **Exhibit A5 dated 5/12/2010 is the Utility Plan. This will be marked as Exhibit A4.**

Mr. Burrow stated: All the utilities connect to utilities on Merriam Avenue. We have been working closely with the Town and town engineer since the inception of this project and they will be extending a new 12 inch line from a 12 inch line on Sparta Avenue along Merriam Avenue. We will connect service to the building. The building will be sprinklered for fire protection. We have a gas line coming off Merriam Avenue to connect to an existing line and sewer line in similar fashion. Electric also connects off an existing pole from Merriam Avenue but electric will be underground as it enters the site and underground through the site. Telephone will also be the same also underground connecting to Merriam Avenue. So we are able to take advantage of the fact this is in a relatively developed area and there are utilities available to us. In a 98,400 sq. foot building, the utility demands of this building are not really that high. The sewage fluids produced by the building are 5,290 gallons per day and just so we are clear there is not any process that either consumes or discharges water in the building. The water sewer fluids will be dictated by the people that are working in the building. The sewer fluids of 5,290 gallons per day calculates water flow at 6, 550 gallons per day. We did do a study at the request of the planning board's engineers on have the sewer flow will make it to the Sparta Avenue pump station. We have done monitoring and **Exhibit A5**, Master plan of existing Sanitary Sewer Collection System for the Town of Newton. It is prepared by Harold E. Pellow & Associates, Inc.; dated 9/1997 marked up by my firm. Highlighted in red is where Thorlabs is. You can see the pink line which shows the gravity flow down from Merriam Avenue down Sparta Avenue down to the Sparta Avenue pump station to the site which is highlighted in green and then up to Trinity Street. We have studied this pink group for capacity and infiltration and our study shows there definitely is capacity in those pipes. They are at half of their current capacity now. Our calculations and study show that the additional flow from the site to the sewer will increase the depth by a flow 5/16 of an inch so a very very small amount in sewer pipes that are 8/12 inches in diameter. With respect to the Sparta Avenue pump station and also the Town of Newton's waste water sewer plant, both of those have approximately 400,000 gallons per day of spare capacity today and as I mentioned our sewer fluid is 5,290 gallons. We have been working closely with the town engineer on the water and the water service to the building and we believe that process will work out during the course of the next few months and we will be able to get our water service. The challenge with the water are not physical supply challenges and we have done hydro flow test in the vicinity of the site and there is sufficient water available for our needs. We also have an appointment with the fire department official to confirm his approval of the plans.

Mr. Stoner stated: I would like to comment that this information needs to be verified by our office. The information needs will be review to make sure it all complies.

Mr. Donnelly asked: You looked at Mr. Stoner's letter with his comments regarding the water and sewer and you do comply with that.

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Mr. Burrow stated: Correct.

Mr. Donnelly asked: Before you start talking about the lighting I would like to ask if we add a site triangle at the corner of Pine and Merriam? Years ago there was an accident between an emergency vehicle and a civilian. Is this something we can do?

Mr. Burrow stated: Maybe we can relocate some of the trees to help with any obstructed views.

Mr. Burrow continued: **Exhibit A6, lighting plan dated 5/12/2010.** Mr. Stoner did indicate that the Redevelopment Plan contemplates light poles to 12 and 14 feet high along the street frontages of the site. We proposed 25 feet high lights within this site and we were asked that we reconsider reducing the height of some of the light poles within this site.

Mr. Donnelly stated: Did you see a requirement in the plan for interior parking lot lighting?

Mr. Burrow stated: There is not one. I have marked up the lighting plan and that will be marked **Exhibit A7, dated 6/19/10.** The Redevelopment Plan contemplates historic light fixtures. We have a number of historic light fixtures consistent with the redevelopment plan located around the site. We have them along Sparta Avenue so when you come along Sparta Avenue it will be like the other historic fixtures you see. We also used those fixtures along the walkway into site by the front of the entrance. Similarly we have historic fixtures at both of the driveways so when you are driving along it is quite clearly mark with two poles with these historic fixtures that show where you enter into the site. We also have a couple more of them on the walking path from the parking lot to the building. We have a couple of historic fixtures on Pine Street as well. These blue fixtures are more modern, more efficient fixtures and those are the ones that we originally purposed at the 25 feet height. Since we met with Mr. Stoner we have reduced that lighting height to 20 feet which he felt was a more appropriate level for this residential neighborhood. The higher the light is the better distribution of light you get and the light is more evenly spread. We do not want lights too high to take away from the feeling of the neighborhood.

Mr. Donnelly asked: Did the amount of poles increase since you went from 25 feet to 20 feet.

Mr. Burrow stated: It did. It increased by three poles. We did this to maintain an even light.

Mr. Donnelly asked: Did you measure how the light distributes across the parking lot and outside of the site?

Mr. Burrow stated: We calculated it but we have not measured it. Going back to Exhibit 6, you will see some of the lights highlighted in green. Those lights are the lights that are on all night. In the summer they would be on all night so the people that are working in the building can enter and leave safely. The lights that are not highlighted in

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green would be turned off with the operating hours of the building. The operation hours would be when the general shift is there.

Mr. Donnelly stated: Mr. Stoner had some comment on the design of the lights in the parking lot. Is that something we are willing to work with the township on to make it more of a traditional design?

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Mr. Burrow stated: We can discuss this a little bit. There is a cost factor. I can show you what the fixtures look like. This would be **Exhibit A8, exhibit that shows three cuts of the three proposed light on the site.** The one that faces the residents is the historic fixture it corresponds with the red color fixtures on E7. The one in the middle is a building lantern light that corresponds to the blue fixtures around the building. MRT2 are the lights that we picked for the parking lot. If we were to light the parking lot using all historic fixtures we would end up using 15 additional fixtures just to light the parking lot. We do not want to highlight the parking lot. I think we have done a good job of landscaping it so people should see the landscaping and not see all these historic light fixtures sticking up highlighting the cars that are there. The historic light fixtures do not distribute the light evenly and we will need more fixtures. As I mentioned we are not proposing to add light fixtures along Merriam Avenue or Pine Street and that just does cause a waiver from the redevelopment fund.

Mr. Soloway stated: The way the Redevelopment Plan is set up you have three categories of items that don't comply with the plan. One category is analogist to something that would need a D variance for the most part. The board does not have the jurisdiction to grant that. The other two categories are waivers and what are called deviations. Deviations in terms of the standard in the plan for the board to grant them are bulk or c variances and waivers are like design waivers. When they referred in Mr. Stoner's report initially and into the responding report by Mr. Burrow which is dated June 14, 2010 they are calling all of these noncompliant items waivers. I don't believe they are. I believe that the monument sign deviation is a deviation and I believe the lack of lighting fixtures on Merriam and Pine is also a deviation. The board has the authority to grant that but it is a different standard and I only jumped in here because you referred to the lighting fixtures one as a waiver.

Mr. Burrow stated: There was some discussion about the need for a sidewalk along Merriam Avenue and Pine Street and we have agreed to provide that sidewalk and we have sufficient space between the curb and the lot line to provide the sidewalk in accordance with the requirements in the redevelopment plan. The Redevelopment Plan also contemplates street lights along all of the streets. We have street lights on Sparta Avenue, the historic fixtures that I explained. We do not have them on Merriam and Pine Street. There is some street lighting along these streets already and we felt it was more appropriate to stick with the existing lighting to be relatively dark rather than popping up all these additional light fixtures along what really is a residential street. On Sparta Avenue we are proposing to have these historic light fixtures. The benefits of that are it will darker at night time and there will be less electricity used.

Mr. Donnelly asked: Do you see any negative impact?

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Mr. Burrow stated: I really do not. Some instances might be safety. But as I mentioned we have historic fixtures at both of the driveways and there are existing light fixtures at the intersection of Pine and Merriam and there is also an existing light fixture at the corner of Mason and Pine.

Mr. Burrow stated: That concludes my presentation.

Mr. Donnelly stated: So the sidewalks in the street scape are not in the original plan but after meeting with Mr. Stoner we have agreed to install the sidewalks.

Mr. Soloway stated: Mr. Stoner issued a report dated June 7, 2010 and Mr. Borrow issued a report dated June 14, 2010 with response to Mr. Stoner's report. Mr. Burrow's report indicates a vast majority of recommendations and suggestions of Mr. Stoner's report that the applicant will comply. I would just ask Mr. Burrow to confirm that on the record and I suggest to the Board unless the Board has an issue with some of them indicating his compliance. Is that correct Mr. Borrow?

Mr. Burrow stated: My letter of June 14, 2010 which we can agree is 15 pages of comments and responses indicates we will comply with almost everything. I think there are a number of things that we ask for a waiver or deviation for which was explained.

Discussion ensued on lighting.

Mr. Stoner stated: On the hours of operation you had a drawing that showed which lights will be turned off. I assume that by 7 or 8 o'clock pm all the lights are going to go off?

Mr. Donnelly stated: When the second shifts starts these lights will be turned down so only these lights will be on. I would say these lights will go on around 9.

Mr. Ricciardo asked: And go off at 2 am after the second shift leaves or they will be on all night?

Mr. Burrow stated: The green ones will be on all night and ones that are not highlighted will turn off at nine.

Chairwoman McCabe stated: So in the summer all those lights won't come on at all.

Mr. Le Frois asked: So the Pine Street Drive the two lights on either side of the driveway would go off at night?

Mr. Burrow stated: The people who are working the night shift we expect them to only use the Merriam Avenue exit.

Mr. Stoner asked: One comment I had was about the fact they set their building on the site off their proposed right of way line along Sparta Avenue. They took the 2 foot stripe to match what the county is working on for Newton Sparta Avenue and their

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building is exactly 40 feet and that is what is on the redevelopment plan. They have not gone in front of the county yet and if the county asks for more that could change their offset would that be a deviation?

Mr. Soloway stated: Yes. It would be a deviation.

Mr. Donnelly stated: Wouldn't it be after our approval?

Mr. Soloway stated: If there is evidence you would come back here and seek amendment with a deviation.

Mr. Stoner stated: Can we cover that now?

Mr. Donnelly stated: It would be after our approval, outside our control, a deviation we did not incur and we should be protected by the approval.

Chairwoman McCabe stated: How much are we talking about?

Mr. Burrow stated: The current turning lane is 2 feet in front of the proposed lane. We took the plans for Sparta Avenue and incorporated them in our design and that is why our frontage deducts 2 feet from our property. So we are setback 42 feet from the existing property line and we are setting back 40 feet which is in the redevelopment plan from the proposed property line. Only if it went beyond part of this would there be a problem and you can also see in Exhibit A3 the neighboring properties to the North and South are located further forward than our proposed building.

Mr. Soloway stated: Again I am not saying the work is a practical matter. If the county, which has jurisdiction along Sparta Avenue, forced you into the noncompliance I am not challenging there is anything we can do about it. The point is whether the county required deviation would require approval from this board if it is a deviation. I think the answer is yes. I guess Cory's question is whether we can build it in now?

Mr. Stoner stated: Correct.

Mr. Ricciardo asked: How can you build it in if you do not know the extent of the deviation?

Mr. Le Frois stated: What if you end up only one foot off the ultimate right of way line?

Mr. Stoner stated: I don't expect they would. I am not saying I want the building moved; I just thought it would be cause for a deviation and I didn't want them to have to come back.

Mr. Soloway stated: I think if the Board was to consider it in effect building and allowable deviation then eventually it would certainly have to specifically defined up to a certain date. But I have to agree with Mr. Ricciardo that how can you build if you do not know the extent of the deviation.

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Mr. Soloway stated: I am not trying to be difficult. It is a deviation and there is a standard and presumably if the county put you in that position between now and the time you pull the building permit, because I agree once you start building it is different, but if the county put you in that position between now and time you pulled the building permit in order to satisfy the standard your argument would be in fact you have a hardship. I can foresee a scenario where someone from the public could say well could you eliminate that hardship by moving the building back four feet? That is a four feet scenario.

Mr. Donnelly stated: The applicant is not asking for any further deviation. I think we are confident that we are going to have if the board decides to approve our building permit before any of that gets done.

Chairwoman McCabe stated: Good. It sounds resolved.

Mr. Stoner stated: My other question I have is regarding the contamination. We talked about contamination in the site itself, caps, the soil, so if there is any ground contamination it caps it so there is no contact with that soil but what about the ground water contamination? There is discussion about possible ground water contamination what is your ground water cleanup plan?

Mr. Burrow stated: There are seven drain water monitoring wells on the site however they are associated with the Quick Mart property on the other side of Sparta Avenue so they are there to monitor Quick Mart's spill water contamination. At your recommendation, we got in touch with Quick Mark's consultant and those wells are monitoring wells and they will need to remain on our property for an indefinite period. So we are trying to keep them in their existing location. If they can't be kept in their existing location as part of the proposed construction, then we will relocate them on our property a feasible location.

Mr. Stoner asked: That is related to their clean up?

Mr. Burrow stated: That is there clean up not ours. Our contamination is in some hydrocarbons which are liquid. Thorlabs has hired a licensed site professional to manage the cleanup process. In general the whole deal with the contamination on site is the resolution is to cap it which the proposed development.

Mr. Stoner stated: That addresses the soil issues. The ground water issues are not related to this site related to your neighboring site across the street?

Mr. Burrow stated: That is correct.

Chairwoman McCabe asked: In this process do you have to have the DEP involved?

Mr. Burrow stated: This site remediation requirement is quite new and it is performed under regulations by DEP regulations. DEP has already been involved with this site and issued a no further action notice back in 2007.

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Mr. Donnelly stated: That is another benefit for this whole redevelopment. As you probably know Thorlabs' urban renewal action acquired title to this site about 2 weeks ago. As a result of acquiring the title it triggered more compliance with environmental laws specifically (ISRA). And as Mr. Burrow mentioned, the reformulated ISRA under this licensed site remediation professionals. This has forced us to go back to the DEP and submit to the DEP new information, a new general information notice advising them that we bought the site and it requires up to do additional work on the site to get a new no further action letter. The terminology has changed it is now called a response action outcome but we need to get a no further action letter in connection with this. Obviously Thorlabs had nothing to do with the pollution, but we are taking the additional step for the benefits of the redevelopment.

Mr. Ricciardo asked: So there is no remediation plan that has to be submitted to the DEP?

Mr. Donnelly stated: When you say no remediation plan, the capping of the site is the remediation plan.

Mr. Ricciardo asked: And DEP has agreed that is an acceptable remediation plan?

Mr. Donnelly stated: Yes. Let me explain the new law to you. The process under ISRA has entirely changed. It is not the process you are used to. The old process was to submit a report to DEP saying we want to this and the DEP writes back and says yes do that and then you go do it. Under the new ISRA law the DEP has deputized professionals called Licensed Site Remediation Professionals to step into the shoes of the DEP case manager and review the plan and say remediate it like this. So what we are saying is we are complying with the new law and we have hired one of these specialized environmental persons who we are consulting with and who is going to approve our clean up which is capping. So when you asked will the DEP approve this, the answer is no a DEP case manager will not approve this because the law does not function that way anymore.

Mr. Ricciardo asked: After your consultant signs off and says he accepts the manner in which you are going to remediation this site, is that when you get your NFA letter from DEP?

Mr. Donnelly stated: That letter called The Response Action Outcome by this certified professional, is our NFA (No Further Action) letter. That document goes to the state and it can be audited by the state but that is our NFA letter and the new law says that.

Mr. Ricciardo asked: Mr. Stoner are you familiar with this process?

Mr. Stoner stated: Vaguely, I don't think they even call it a No Further Action letter anymore.

Mr. Donnelly stated: It is called a Response Action Outcome.

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Mr. Soloway stated: They did change it within a year or so but what Mr. Donnelly is saying is accurate.

Mr. Ricciardo asked: While we are talking about contamination what do you soil with the soil you excavate for the footings and foundations? You said no soil is going to leave the site or very little but a substantial amount of soil will have to be excavated to pour footings and foundation walls what do you do with that soil?

Mr. Borrow stated: It will be used in other parts of the site.

Mr. Ricciardo asked: It is never leaving the site?

Mr. Burrow stated: There may be some soil leaving the site and if it does leave the site it will have to be disposed of appropriately.

Mr. Ricciardo stated: That is what I want to know the method of disposal is going to done in an appropriate manner and it will go someplace that will sign they have received it, correct?

Mr. Donnelly stated: Absolutely.

Mr. Ricciardo stated: That was the answer I was looking for. I just wanted to make sure it was not going to be dumped somewhere else.

Mr. Ricciardo stated: The only other discussion I would like to have is the truck exiting onto Merriam Avenue. I would much prefer if there was a NO right turn side put there for trucks. We don't want them to go all the way down Merriam Avenue thinking they are going to Rt. 206 and wind up at a dead end.

Mr. Donnelly stated: We can do that. Trucks left turn only.

Mr. Stoner stated: Two things that I think were not discussed. One was there is an isolated wetland area located on the property. What are you doing about that?

Mr. Burrow stated: There is isolated wetland on the property it is .23 acres isolated wetlands and it has no associated endangered species so we are able to fill that using our wetlands general permit 6 and that application is in the process of being submitted to DEP for their approval. We are pretty confident that is a straight forward general permit application to fill that wetland area.

Mr. Ricciardo asked: How does it affect you if they do not approve it?

Mr. Burrow stated: I do not know why they would not approve it. I guess if they did not approve it, it would limit what we could do in that this area.

Mr. Soloway stated: It would be a contingent condition pending any approvals.

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Mr. Stoner stated: The other comment I had is you talk to the Board about the generator you have.

Mr. Donnelly stated: Yes we have that our agenda to discuss. We will address later.

Chairwoman McCabe stated: I do have one comment, your sheet VT1.01 Boundary and Topographic Survey the property north of the wetlands that building is no longer there. It was taken down.

Mr. Donnelly stated: We will amend the plan to reflect current conditions.

Mr. Ricciardo asked: Is that property related to Thorlabs?

Mr. Donnelly stated: Yes. It is owned by the same owners.

Mr. Ricciardo stated: Thorlabs Urban Renewal?

Mr. Donnelly stated: Yes, that is correct.

Mr. Ricciardo asked: Why can't we get a truck entrance off Woodside rather than Merriam?

Mr. Donnelly stated: Just to be clear it is owned by 13-19 Woodside Avenue LLC. It is a related entity and that is it. They have a similar owner.

Mr. Ricciardo asked: So why can't this similar owner grant a lease to the Urban Renewal Enterprise and give them a truck entrance onto Woodside Avenue rather than have any trucks on Merriam Avenue?

Mr. Donnelly stated: I don't think the applicant ever considered that.

Mr. Ricciardo stated: That would eliminate trucks on any part of the residential zone because you would be coming out into a commercial zone.

Mr. Donnelly stated: It is not in a redevelopment zone.

Mr. Ricciardo asked: Mr. Soloway, can that property be leased by the Urban Renewal Enterprise as building this and put a truck driveway in there?

Mr. Stoner stated: They would get an easement.

Mr. Soloway stated: You cannot impose a requirement. If the question is whether the applicant is part of the site plan in the proposed ingress and egress at the cost of a permanent easement the answer is yes.

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Mr. Donnelly stated: They have engineered this site for all the cars and trucks. The applicant does not believe an additional driveway along Woodside Avenue was needed.

Chairwoman McCabe opened this portion up to the public to ask questions of Mr. Burrow.

**SWORN:** Diane Zett, 11 Merriam Avenue, Newton, NJ.

Ms. Zett stated: One of things I would like to address is the lighting. I do live on Merriam Avenue right across the street and do support your idea of not having the historic lights on Merriam Avenue because of the brightness and feel that it is not necessary and we appreciate your comments on that. We do support that. The second thing is that we live perfectly directly across the driveway so we are looking at an impact on property value and quality of life. We have been very supportive of this project but looking at it tonight seeing how it is really going to affect us. When we heard it is possible to get an easement for truck entrance to be off Woodside we would certainly support and encourage that. We are also looking at the driveway and saying why not make the traffic that would occur with 250 plus employees six days a week come in and out of the Pine Street entrance where that entrance has less people and looking at Mason Street not at our house. That is a great concern and we were wondering if those two factors could be considered because it is a big impact for us personally and as much as we support and encourage and are very happy about them as neighbors the driveway and permanent lighting is a big concern for us. My next issue is I believe it has been resolved but there has been quite an issue of sewers backing up during heavy rainfall. My neighbor's basement had a sewer backup and my basement had a sewer backup. We are a little concerned about that and not sure if you aware of that. My primary concern is the driveway from the Merriam Avenue exit empties straight onto our house. If there is some other way it could empty out onto a more commercial road, we would greatly appreciate that.

Chairwoman McCabe stated: That is true the Pine Street exit does empty out straight across from Mason and not from a home. I understand the truck entrance coming in and out of Merriam Avenue is closest to Sparta Avenue but is there a way to encourage using the back entrance. I understand it is more of a neighborhood but it is not directly across from homes.

Mr. Donnelly stated: The plan is why it is.

Chairwoman McCabe stated: We need to hear that.

Mr. Le Frois asked Mr. Stoner: Are the sewers combined flow with sanitary and storm water?

Mr. Stoner stated: They are not combined. I am not aware of them having issues right now. I know at one time they had a grease trap problem down below that is what

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prompted us to make sure we have the capacity that we need. They have provided some information today but we have not reviewed it.

Chairwoman McCabe asked: Will this proposed development resolve some of these issues Mr. Stoner?

Mr. Stoner stated: On these plan no. The development is not matching to the systems so we have to look at it more closely.

Mr. Borrow stated: We have studied this and have submitted our final report to Mr. Stoner. If you have an infiltration problem with the sewer, typically you will see the flow increasing immediately after periods of sufficient rainfalls and that did not occur in any of the periods we measured so in my opinion based on the data that we have prepared, the problem appears to be solved.

Chairwoman McCabe asked: Are you still experiencing a problem?

Ms. Zett stated: Our neighbor is still experiencing a problem.

Chairwoman McCabe stated: This is something to be looked at.

Mr. Stoner stated: I was not aware of any problems in this section but I will have to talk to Mr. Simmons.

Chairwoman McCabe stated: It will be looked into.

Angela Pastronastrous 11 Pine Street, Newton, New Jersey stated: I was born in Newton and grew up in Newton and I work in Newton and live in Newton so I am obviously vested in this project and very supportive of this project. I took the opportunity to look at the plans I am an attorney in town and I have appeared before other boards and I found the plans to quite impressive. I actually found the landscape plan to be very impressive and I actually looked at some of the vegetation because our property is right on the border. It is on the Pine Street, Mason entrance side and I was concerned about the buffering but I thought they did an exceptional job with the buffering. My comments are going to be limited to the lighting and the traffic concerns. Lighting wise I do think that the benefit of the lighting on Pine Street is important because right now I do believe there is a safety issue. It is not a well lit street there on the side of Pine Street towards Mason. There have been incidences in the night. There are a good bit of people walking there and I do believe because it is not well lit there have been problems. So even though I think my understanding is those lights on the corner of the Pine Street drive will be going off at night and even though it is adjacent to our home I think perhaps it might be better if they stayed lit. My understanding is they are historic lights. Even if they are dimmed, I would rather see that corner lit than not lit. We see a lot of problems at night because it is not lit and I think that would deter any problems at night and that has been my experience in other areas when it is well lit you don't have those kinds of problems. I understand the concerns of the lighting at night but as somebody living there I'd rather see some light

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than no light or at least a good amount of light to deter that. I don't know if the straight down lights work better, I honestly like the historic lights. I am familiar with the Glen Ridge lights. I don't know if they can do something where the lighting in them is not as bright perhaps like the lights by The Merriam House. I know other towns do. As to the traffic, there is an issue right now with people cutting through Pine Street. They are coming down Rt. 206 cutting down Pine to cut off the lights. I would not want to see any more traffic rerouted through the Pine Street drive because I think right now it will add a significant amount of traffic. There are children in the neighborhood that are on Mason and Pine Street and I just think that would be a safety concern. But other than those comments, I support the project, I looked at the architectural renderings and I found them to be quite impressive and a good thing for the town.

Steve Kelmer, 21 Dillar Avenue, Newton, New Jersey stated: Because this is a Brownfield site, once the soil is disturbed and the site is bordered on two sides by a residential neighborhood and directly across the street there are 104 rental units in the Merriam Gateway, wouldn't it be a good idea to put up air monitors on the chain link fence around the site? My other point is an informational point. Around 1910, when Mr. Merriam was adding to his building directly across the street, they drilled a well and at 55 feet they hit quick sand. I am assuming that someone checked your site to make sure you have a stable base to put your building on?

Mr. Donnelly stated: On the air monitors, I don't know the answer to that questions. But what I can tell you is that when we move soil we will comply with all the environmental regulations regarding the moving of that soil. If air monitors are dictated by the law we will add air monitors.

Ralph Porter, 12 Pine Street, Newton, New Jersey stated: I am very supportive of this project. The lights on Pine Street on the rear driveway would be helpful. I would rather see all the traffic go Woodside Avenue. It is a residential avenue, there are a lot of kids, and people use that road for a cut off. I hear people burning rubber there all the time and I don't need that. I have been here for 27 years I like the town and I want to stay here.

Kent Hardmeyer, 70 Pine Street, Newton, New Jersey stated: I want to thank Mr. Burrow for putting on a fine presentation. My question is how did you decide where to put the building, how did you decide where to put the parking lots, why Pine Street, why Merriam Avenue? How did that all come to be?

Mr. Burrow stated: The Redevelopment Plan came up with this and suggested the building be in the front of Sparta Avenue so we were following the Redevelopment Plan.

Mr. Hardmeyer stated: To me the building looks great but my only objection would be there really is no green space and I don't know if that could be accommodated somehow if you could put in a parking garage and leave part of it green. Are there any outdoor amenities for your employees who might want to go out during lunch hour and sit on a picnic table for eat their lunch?

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Mr. Burrow stated: The open space is clearly in front of the site on Sparta Avenue, I don't know if they want to throw a Frisbee on Sparta Avenue but we have a sitting area here.

Mr. Hardmeyer asked: Were you going to put any solar panels on top?

Mr. Burrow stated: No.

Mr. Hardmeyer asked: Could they come at a later point if they become more cost effective?

Mr. Burrow stated: Yes. It could happen.

Mr. Hardmeyer stated: I am a member of the Shade Tree commission and I have another member with me and we did take a look at it last weekend and we are very supportive of it except we would just make one recommendation and that is you had quite a few maple trees and there are already quite a few maple trees in town and one of the concerns in the Shade Tree Committee is if a disease should come in and hits a particular species like maple we could lose all of our maple trees so we suggest that taken under advisement maybe you might to reduce your maples and redistribute those numbers to some of the other species you have there. One other thing regarding landscaping and lighting, quite a few of your parking spaces head on to residential areas the lights would shine across on Merriam they would shine across on Pine Street, is that correct?

Mr. Burrow stated: We are going to have a continuous evergreen shrub wall.

Mr. Hardmeyer asked: I support what the Mayor said and what Harry said about using Woodside Avenue as the exit and close down the Pine Street exit. I think traffic would flow much better at least in a residential neighborhood if you cut off the Pine Street access. The storm water all the pipes are going underground, is that correct?

Mr. Burrow stated: There will be two underground retention systems.

Mr. Hardmeyer stated: They are closed so nothing can go into the ground everything will slowly seep into the storm drains. But they will require a considerable amount of excavation to take all that material out and that is all going off site to the proper location?

Mr. Burrow stated: If it does go off site it will go to the proper location or it will stay on site under the cap.

Mr. Hardmeyer stated: Thank you.

Anwar Qarmout 45 Woodside Avenue, Newton, New Jersey stated: You mentioned the property is going to be completely capped. What is the method or material or are you proposing the macadam and the building as a cap? Is that correct or is there a

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subservice material of a rubber made or rubber type or concrete pad and then the building project goes on top?

Mr. Burrow stated: The landscaped areas there will be a significant amount of top soil so that will be the cap. In the pavement section any sub base will be the cap and the building, the floor slab will be the cap.

Mr. Qarmout asked: Isn't that typical for projects?

Mr. Burrow stated: It is. There is a dual function. The pavement can be driven over and it is also providing the cap. If you didn't drive on it it would still provide a cap.

Mr. Qarmout stated. My other question is you mentioned the line in the middle of the building the part toward Sparta Avenue will be three stories and the back part will be one story. Why is that one story vs. two or three in the front?

Mr. Burrow did not have an answer.

Mr. Qarmout asked: You mentioned you might consider doing in the future solo panels isn't there a requirement to go a little bit green on new construction? I thought the town required some type of green eco friendly requirements with gray water recycling, solo panel, geo thermo, something that might reduce even the electricity flow coming in. As you know, we have a battle with the electric company in this area; there is too much demand with the old wires that are there. Are there any green friendly possibilities that you guys are required to do? Is there going to be a flat roof?

Chairwoman McCabe stated: We will let the architect address that.

Mr. Qarmout stated: My neighbor on Diller mentioned isn't there subterrian materials there that are soft that might not take the weight of the building. Isn't there an underground lake or river? Was that probably tested?

Mr. Burrow stated: We have done an extensive investigation of the site. We believe it is suitable for the weight of the building.

Mr. Qarmout stated: The generator will be addressed by another person, correct?

Mr. Donnelly stated: Yes the architect will address that.

With no more public coming forward, Chairwoman McCabe closed this portion of the meeting.

Mr. Donnelly started his questioning of the architect Carmine Cerminara, AIA.

Mr. Cerminara stated: **Exhibit A9** is a rendered version of the plans that were submitted however it is at a reduced scale so we could put all four elevations on one sheet. It is entitled **Exterior Elevations A2.02**. I will start with **Exhibit A3** to orient the elevations

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accordingly. Exhibit A3 shows the overall site plan and shows the building and it has the vertical line you described showing the three story section separated from the single story section. I am going to refer to the east elevation which is the Sparta Avenue elevation. It faces Sparta Avenue and it starts to create a wall or that spine that we talked about in the redevelopment plan. We set the building back 40 feet. We are giving you some green space in front and some fire wall. We are making an entrance to the front because that is the street and the idea is that people will be walking up and down the street. We have created a very classical and sort of historical looking building.

Mr. Donnelly asked: Can you talk about the first floor building height?

Mr. Cerminara stated: The first floor building height is called at 22 feet on the drawings that were submitted. That was a mistake by my office. We were trying to accommodate the owners' desire to have 18 feet clear underneath his structure for his use. I forget quite honestly that we moved it 20 feet so in talking with Mr. Lencsak we agreed that we can reduce the light back to 20 feet which is allowed and then we will work with the height layout of the interiors to make sure we can fit everything inside.

Mr. Soloway stated: Did you also have an error in your submission in terms of any story height that you are showing for the third story as well?

Mr. Donnelly asked: What is the height of the 3<sup>rd</sup> floor story?

Mr. Cerminara stated: The third floor story height will be 13 feet 4 inches. It complies with the Redevelopment Plan.

Mr. Soloway stated: You will amend the first floor to comply with the Redevelopment Plan. That is in the category of things that Thorlabs will be asked to comply with.

Mr. Cerminara stated: There were some questions about leaving some green aspects to the building. The Redevelopment Plan did talk about it. We did look at it carefully and the building is not going to go for a recertification but we are going to design it to meet the green building standards. Some of the things that we have proposed to do is to have low flow fixtures to help with the water. We are going to use high efficiency appropriate size HVAC units. We are going to have a lot of increased daylight because of the large oversized windows including in the warehouse area. We will have a lot of natural daylight coming inside to help with the energy bills. We are going to comply with any and all green requirements. With respects to building materials, we are going to look for recycled material where we can. We are going to try and use local and regional materials. We are going to use energy efficient glazing on the window pane. We will make sure we have all our windows sealed properly. The interior finishes are a material that we have used in the firm for the last two years. Internally, there will be very few perimeter walls so that everybody gets the benefit of the outside. We are looking to make this building as green as possible. There was a question about the generator. The generator is located at the south west corner. As this point I cannot tell you the

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exact size of the generator. We are thinking it will be somewhere in the neighborhood 300kw generator.

Mr. Donnelly asked: What is the purposed of the generator?

Mr. Cerminara stated: The purpose of the generator is for emergencies. They want the ability to have a boiler shut down in case of an emergency.

Mr. Soloway asked: How often will it be exercised and when?

Mr. Cerminara stated: It will serviced according to the manufacturer. It would have to be serviced once a week. It would have to run for half an hour and in that half hour we can pick the time frames so if we want to run it from 2 to 2:30 in the afternoon or 8 in the morning. It will definitely not run at night. It will run during the day. We will pick a time that everyone is comfortable with. That's happens once a week and it runs automatically and every 6 months the manufacture comes out and changes filters and tunes it up and they run also an additional half hour in that given week when they come out to test it. I guess the other thing about the generator was the noise. This particular generator and we are guesstimating at 300kw because of past experience, I believe that should satisfy our needs. It runs at 91 decibels at 23 feet away. Every 23 feet you are away from the building it drops 6 decibels so if we are at the generator and we come over to the corner of this residential lot, which we believe is the closest one, it should be down to around 43 decibels.

Mr. Soloway stated: So the generator will comply with all applicable noise regulations?

Mr. Stoner asked: Can you tell us about the color of the generator.

Mr. Cerminara stated: We are going to look at something that is a cream color. We would like cream because it will blend in with the block and the landscape architect has done a great job in providing a whole lot of trees lining the side.

Mr. Cerminara stated: Another question that came up was on signage. We do propose three signs. Two on the building and a monument sign. The one sign facing Sparta Avenue we are going to put above the entry point. It will be a light colored panel and use raised channel lettering and a back light so that will glow. There will be no lights coming out. They will be on Sparta Avenue and on top of the canopy over the parking lot. Each one is 17 ½ sq. feet. **Exhibit A10, drawing A2.03** is Monument sign; Dumpster Enclosure dated June 16, 2010.

There was some more discussion about the sign.

Ms. Caldwell stated: We could issue a waiver?

Mr. Soloway stated: It probably is a deviation.

Ms. Caldwell stated: The maximize size is 20 sq. feet and it has to be mounted on the front façade.

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Mr. Donnelly stated: I think the township has to make the determination that the building has two facades.

Mr. Cerminara stated: We wanted to have a second sign on the building. When you come around the corner and enter the site you will be able see through this and see the sign.

Mr. Donnelly: Do you see any down side to having a second sign there?

Mr. Cerminara stated: No in my mind. It is in scale on the building. If you go back to the site plan drawing A3 you will notice that the sign was put at an angle to the street. The idea that when people came from Sparta and turned on Merriam they would be driving down and it would catch their eye instantly so they would you know exactly where to turn. It is on the west side of the driveway so it is very clear and evident that you need to make a turn beforehand. That is what this sign on Exhibit A10 represents. It is a one-sided sign and it uses the same material concrete block and it takes the brick and carries through with a little concrete cap on top a white panel with the words Thorlabs and where we have x's we have proposed to put the street address numbers.

Mr. Donnelly stated: Mr. Cerminara this is a deviation from the plan so talk about why this is a good design element to this plan and what is the benefit of having a monument signed out there?

Mr. Cerminara stated: The benefit in my mind is to identify the location of the building while it is a large building it does not sit anywhere near the front or the entry point itself so that monument sign will stop people from going too far down Merriam Avenue making the mistake continuing down that way. It makes it very clear that they have to turn into the site.

Mr. Donnelly asked: Can you talk about the dumpster enclosure?

Mr. Cerminara stated: On drawing A3 the dumpster is proposed at the northern most corner at the radius for the truck docking area. The idea and the positioning is so that they can be easily picked up by a service vehicle. If it is a front loader truck the guy just opens up the gates picks it up and puts it back down. It is designed in three compartments. What we are proposing is concrete block same color as the building and piers and in between those piers we are going to put in a board on board fence so that we can have a visual block to the dumpsters.

Mr. Stoner asked: Is the monument sign lit?

Mr. Carminara stated: It was proposed with the same back lit letters. In the old days they put neon behind them now you can get them with fiber optics and it lets these things looking they are glowing. It will outline the letters of Thorlabs.

Mr. Ricciardo asked: Why are we putting the sign on Merriam Avenue and not on the front of the building?

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Mr. Carminara stated: We felt that when someone turns the corner they might miss the turn into to the site and by positioning on that corner people will see it and know where to turn. That is going to be our main drive-in entrance.

Mr. Le Frois asked: The Sparta Avenue door would that be secured and would there be a little sign that would say no public access?

Mr. Carminara stated: We could put that on there. It will remain locked and there will be a sign of some sort to direct you to go up and around the corner.

Mr. Stoner asked: There was talk about potential expansion over the one story portion. Can you talk about that?

Mr. Carminara stated: We are not designing the foundations to take a second or third floor. It is our intent that if and when we expand in the phase that we talked about, as it was pointed out by Mr. Burrow, and that is we are running the utilities up the drive and that gives us two potential areas for some expansion but not on the building itself so we not be taking this up three stories.

Mr. Stoner asked: The building is structurally sound to add solar panels and things like that in the future?

Mr. Carminara stated: Yes. We have designed an extra 4 to 5 pounds per sq. foot load on the roof of the building in anticipation that we might in the future go solar and we have talked about it but the decision has not been made.

Mr. Ricciardo stated: A question came up about bearing capacity of the subsurface and I am sure you have borings or tests.

Mr. Carminara stated: We will. We do not have them all but we will do boring tests that will design the footings and foundations accordingly.

Mr. Carminara stated: I stand corrected. They have already done a full geo technical report and I have not seen a copy of it but our engineer has.

Mr. Stoner asked: Regarding the HVAC system, is the system water cooled or air cooled because that has an impact on the water permit.

Mr. Carminara stated: Ours are just air cooled not water cooled. But I will have to defer that to the mechanical engineer and I will get an answer for you.

Mr. Le Frois: Regarding noise level, would there be anything going on inside the building that would generate noise that would be anything more sufficient than either the HVAC outside?

Mr. Cerminara stated: Having visiting all the sites before we started this, my answer is no, but I will let Mr. Lencsak answer that.

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Mr. Ricciardo asked: Your generator is fed from diesel petroleum base or natural gas?

Mr. Cerminara stated: I am guessing diesel. We have not made that choice but in the past that is what we have always used.

Mr. Ricciardo asked: And it has a self contained unit?

Mr. Cerminara stated: That is correct.

Mr. Ricciardo asked: How is the spill protected?

Mr. Cerminara stated: It is a double wall.

Mr. Le Frois asked: The heating system would be fuel oil or natural gas?

Mr. Cerminara stated: I am assuming natural gas. But again we have not gone in to it. We usually use natural gas.

Mr. Ricciardo asked: Why not use natural gas for the generator?

Mr. Cerminara stated: We could do that. I do not have a problem with that. Again I am going on past experience. We have not designed it yet but if it is there that is certainly a good reason to use it.

Chairwoman McCabe opened this portion up to the public for questions for the architect.

Michael Malone, Trinity Street asked: You happen to mention expansion. Well the parking lot now has room for 295 cars and you are talking about expanding on both sides of main entrance driveway. If you knock of a few hundred cars spaces where are they going to park?

Mr. Cerminara stated: We would have discussions to build a parking structure to accommodate whatever we displaced.

Mr. Malone asked: How high would it be? Two stories, three stories?

Mr. Cerminara stated: We don't know yet. I cannot answer that.

Mr. Soloway stated: If it came to that it would require coming back to this board and it would have to be in compliance with the provisions of the redevelopment plan.

Steve Kelmar, 21 Dillar Avenue, asked: There was a lady earlier that spoke about the cars exiting onto Merriam Avenue and talked about the headlights and now you are also going to introduce her and the people on Pine Street to three stories of lights. Are the windows on the buildings going to have shades on them because you have a shift

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working there till 2 o'clock in the morning? Will those windows be shaded so they will not be offensive to the neighborhood?

Mr. Cerminara stated: We can put blinds up. We have not gotten to that level of detail. Again, there are only a few people that work and that level will be the office level that will not be on the overnight.

Mr. Kelmar stated: Will there be shades to prevent some of the sunlight coming in?

Mr. Cerminara stated: That is a fine line because we are trying to go green we want to use that sunlight. We will have some tinting on the glass to work with the energy. If we put blinds in there they will not always be shut otherwise it will defeat the purpose going green.

Kent Hardmeyer, 70 Pine Street, asked: As you are coming down Sparta Avenue toward Sparta, will there be some small sign saying where the entrance to building is? Do you think something like that is needed?

Mr. Cerminara stated: We were assuming again once when you come past the building it will be pretty apparent. You will see some green space going back into the site and again when you by a building and you have missed your turn off as soon as you can you will make a turn and when you turn the corner then you will see our sign then you know where you are.

Mr. Hardmeyer asked: On the monument sign when all the other signs are going off you might want to turn that one off as well.

Mr. Cerminara stated: That is fair.

Mr. Hardmeyer stated: You kind of skipped over what all the middle knock outs are all about?

As Mr. Cerminara pointed to the area on the drawing, he stated this will be all the space we need for our shipping and receiving department. In the future what we simply do is take out this knock out panels as we call them we could replace them with a door if it became necessary.

Mr. Hardmeyer stated: Is that where the 18 wheelers to be going?

Mr. Cerminara stated: No, Mr. Cerminara indicated on the drawing where the 18 wheelers will come.

Mr. Hardmeyer asked: You were talking earlier about the noise of the generator and how many decibels it will be at the property line could you put that in perspective? What is 45 decibels what kind of noise is that?

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Mr. Cerminara stated: The information I got is off the internet from OSHA. It is a chart that says decibel levels of environmental sounds. A quite business office is 50 decibels. A resident area at night is 40 decibels. The ordinance says we need to be below 50 at a property line and we believe we will be there.

Anwar Qarmount, 45 Woodside Avenue Newton, New Jersey, I was a little disappointed that there was not more green and that the applicant was not going for that higher standard of certification to be more eco friendly. Unfortunately, they are not required unless the town passed that ordinance but I am not sure what happened with that.

Mr. Ricciardo stated: That comes from the redevelopment team's meeting and negotiation with Thorlabs. They put in what we required for the water consumption and the plumbing fixtures and we gave on the recycled water. So they exceeded our expectations of the requirements in the interior water saving and energy and we gave on the recycled water.

Mr. Qarmout asked: Is there going to be a basement?

Mr. Cerminara stated: No.

Jim Hoffman, 37 Douma Drive, Newton, New Jersey stated: I am really glad that I came tonight. This is very enlightening and I am convinced in time all of the professionals here working with our planning board will hopefully satisfy all of us residents with there plans. There were a lot of things discussed tonight that I had not even thought about. I am a technology teacher at our middle school so having a world class high end highly technically facility in our background sounds pretty good to me. I don't think it gets any better than that. I know it will be really easy for me to teach a global approach with what I have heard here from all of you with your intentions. I can tell you this to the residents and I don't mean any disrespects and I know those of you that live right across or near it, it will definitely impact you. But eight years ago I took a school bus of 12 students to Thorlabs and I thought back then wow it is pretty amazing what they are doing there. It was a half inch thick catalogue at the time and I think now it is 2 inches thick and it is about 11 pounds in eight years. Some of the things that they are manufacturing weren't mentioned tonight. There are some medical implications and there are some really awesome creative high ends things that are being manufactured there and I only see it as a real bonus for all of us. When I heard that they were going to this in our backyards I said to myself we just all won the lottery. So thank you for hanging your hat in our community Mr. Lencsak.

Chairwoman McCabe closed this portion of the meeting.

Mr. Donnelly questions Daniel Disario, Thorlabs' traffic expert from Langan.

Mr. Donnelly asked: First let's talk about this plan and why are we talking about entrances on Pine and entrances on Merriam?

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Mr. Disairo stated: It is very difficult to strike a balance between providing proper access and circulation for this site and trying to minimize the impact to residents of the surrounding roads. Thorlabs really wants to be a good neighbor. The reality is we need access points. We need to generate traffic in front of this facility so without a doubt there will be impact. I have done a traffic study and I can go into the details but overwhelmingly in terms of the actual impact relative to traffic and how traffic operations are in surrounding intersections. In terms of impact operation in the area you are not going to see a sufficient change in operations as it relates to this proposed facility. This site layout was essentially governed and dictated by the Redevelopment Plan. There were two elements in it that really started to govern where we could locate access points in the building on the site. One of the things I think the Redevelopment Plan was aiming for was to create a street scape affect along Sparta Avenue. Where you have walkways, greenery, as well as a building line along Sparta Avenue. The Redevelopment Plan did not want to see a building pushed all the way back into the residential area with parking between the building and Sparta Avenue. So we were limited in terms of where we could sit the building and try to keep that street scape affect that the Redevelopment Plan said was going for. So the building needed to be situated right where we have frontage on Sparta Avenue. In terms of access points, the Redevelopment Plan also seeks to provide access both along Pine and Merriam so when you start to relate to those requirements in terms of having points of access from a site perspective as well as a traffic impact perspective it is much preferable to have more than one access point because you get to distribute the traffic and minimize the impact at any one particular location. Looking at where we could sit the driveways, it made perfect sense to put the Pine Street access opposite Mason Avenue. It is an existing T intersection coming in as the fourth leg at that intersection. In terms of the access along Merriam although it would be desirable to try to push the access as close to Sparta Avenue as possible to get closer to the commercial uses along Sparta Avenue in effect we are locked into their decision of where it should be located and the building's function itself that governs the size and location and the configuration of the building. I think of Sparta Avenue as going east to west. Rt. 206 is North and South to this area so in terms of referencing direction that is how I am going do it. Having said that the southerly side of the building is where loading will be. You heard earlier as part of this plan we are not allowing trucks to access the site off of Pine Street. Given that constraint and where the loading needs be situated it is absolutely necessary that we have access along Merriam in the location that we are proposing it so that the loading and the access to the loading area will work efficiently as it relates to the site and accessing the site. Again, I know the sensitivity and I forget which resident it is that lives along Merriam, you raised a great concern in terms of traffic that is coming into and out of the driveway. When they are exiting they are looking at your front doors. I talked to the applicant during the break and the only thing that I can think of that could mitigate some of that impact and the applicant is willing to work with you in doing some type of low lying landscaping in your front yard on your property where ever you would like it to try and mitigate some of that impact. The other thing, the lady that lives by Pine and Mason, you are right in terms of the traffic counts. It is clear to say that people are using Pine Street as a cut through to essentially avoid Sparta Avenue and the traffic signals along Sparta Avenue. I also mentioned to the applicant during the break and I think there is an opportunity here to create some type of traffic calming along Pine Street if

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the Town and the Board and your professionals are amenable to that. Where we are creating the new driveway intersection opposite Mason, we could take that intersection itself and create what is called a raised intersection so it is kind of like a table top. It is a more elaborate speed hump in an effort to slow traffic down between Woodside Avenue and Merriam Avenue as they are traveling along Pine Street. Merriam and Pine is an all way stop controlled intersection; Woodside is a stop controlled intersection with Pine but it kind of lends itself pretty well to creating a traffic calming measure where we are introducing that new driveway. Again, another suggestion to try and address some of the concerns with which you have as it relates to this project.

Mr. Disairo continued: In terms of the other site related elements, the parking, the number of spaces, the dimensions of the parking stalls; they are all consistent with what has been required and mandated in the redevelopment plan. I can offer you in my opinion that the site as designed will operate very safely and efficiently in terms of on site circulation as well as parking slots. One item that your engineer has raised in his review letter is the amount of peak hour traffic that we identified in our traffic study vs. the 295 parking spaces that are proposed. In our study we have relied on nationally published trip rates to estimate how much traffic this type of facility will generate. Separate and apart from the actual operations will be that Thorlabs has projected and we identified during the morning peak hour one hour between 7 am and 9 am where you see the highest level of traffic generated by this facility about 115 vehicles would come into this site and I believe 25 vehicles would exit the site. Mr. Stoner correctly said you have 115 cars coming in and you have 295 spaces on site how do we reconcile those two numbers? You have heard earlier testimony that they anticipate 265 employees, 15 of which will work overnight hours. What I found interesting when talking with them is they have about 26 separate employee groups. Within those employee groups they have various ranges of work periods with which those groups can start and stop their work days. Just to give you an example, the accounting people work from 7:30 am to 4:30 pm we would project about one person would work that shift. 8:00 am to 6:00 pm we would project three people would work on that shift. 8:30 am to 5:30 pm four people would work that shift and 9:00 am to 6:00 pm one person would work that shift. Those were all accounting people. That type of staggering within the accounting department is basically representative of all the 26 different employee groups. So when you boil it down it is still down to exactly what we are talking about in terms of the 215 employees that would work at this site during normal business hours daylight hours about 30 of them would come before 7 am, 60 come between 7 am to 8 am, 110 would come between 8 and 9 am, and 50 would come after 9 am in the morning. So in terms of how they are staggering their employees with the different employee groups actually is pretty consistent with what I used to estimate based on Nationally Published Trip Rates how much traffic would be generated at a peak hour at this facility. Again I would submit to the Board and the public in terms of actual operation, the traffic associated with this project is not sufficiently going to impact their operations. Mr. Stoner correctly pointed out that the county is embarking on the Newton Sparta Rd overall improvement project. That project will consist of some minor widening along Sparta with the created of centered two-way left turn and one traveling in each direction. That improvement along the

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extents of that project is actually going to improve operations along Sparta Avenue and specifically to this area at the intersection of Woodside and Diller and Merriam. We haven't accounted for those improvements in our study. So with that I would be willing to answer any specific questions you may have. I think it is a good project from a traffic perspective.

Chairwoman McCabe stated: I think as things settle in the employees if they want to go towards Sparta they will exit onto Merriam and if they want to go towards Newton they will go the other way. It will all fall into place.

Mr. Disario stated: I completely agree with you.

Mr. Ricciardo asked: Mr. Stoner, you are saying that with this use of Woodside Avenue you think a lot of traffic will come out of that driveway out of Pine or the Merriam Avenue, go down to the corner and go to Woodside Avenue rather than waiting at that intersection?

Mr. Stoner stated: Yes. It only takes one car that wants to turn left to back up a bunch of right turn vehicles because you do not have a right turn lane. What will happen is it will back up and they will learn you need a gap to get across so they will use Pine or Merriam to get to Woodside and use the light.

Mr. Ricciardo stated: You are saying it is probably not only a more convenient way but it is probably a safer way to go?

Mr. Stoner stated: I think Woodside is the safest way to go. It is a safer road.

Mr. Ricciardo stated: I am going back to the tractor trailers. When they are leaving the site and if they want to go back to Rt. 206 and there was no right turn out of there the turn onto Newton Sparta Road at the corner of Merriam and Woodside at any peak hour could really tie up that intersection and then they would have to go to the traffic light, turn down again to Woodside and that is why I am going back to the position and the question that I asked before about access to Woodside Avenue through that piece of property that is owned by basically Thorlabs or an entity of Thorlabs.

Mr. Stoner stated: I don't disagree with the truck traffic it does give them another option.

Mr. Ricciardo stated: I understand it is not part of the Redevelopment Plan but we could meet and adjust the Redevelopment Plan to include that particular piece of parcel in to it couldn't we?

Jennifer Credidio, Esq. of the firm McManimond, Scotland, L.L.C. stated: The Redevelopment Plan at this point addressed a Redevelopment Area which was 56 Sparta Avenue and also Rehabilitation Area which was the frontage on both Merriam Avenue and Sparta Avenue. The properties fronting on Woodside were not investigated in accordance with the local Redevelopment and Housing Law. An

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investigation of those properties as to whether they met the Area in Need of Redevelopment criteria or Area in Need of Rehabilitation criteria would have to be conducted in accordance with the statute.

Mr. Ricciardo stated: That kind of exit was never considered because that property was not in the possession of that same entity when the redevelopment plan was finalized was it not?

Ms. Credidio stated: I believe that the discussions that took place at the time that the areas were investigated was to see if the property and the surrounding right-of-way could be utilized in a more efficient manner to the community. There was not a concern at that time or determination at that time that the town wanted to extend the investigation into the surrounding residential area.

Mr. Ricciardo stated: We are talking 15 tractor trailers a week and I know what that intersection at Merriam and Newton Sparta Avenue is like. If you have tractor trailer turning down there at anytime during the day first of all making a right hand turn to go towards Sparta to Rt. 15 they are going to have to cross into the other land of traffic to do that either on Merriam or Newton Sparta Road or if they are going to make the left hand turn to go to the traffic light to make another left to go down Woodside that is going to be a congested point too.

Mr. Elvidge asked: Mr. Stoner, in the County's plans for expansion and or widening Newton Sparta Road, the light at Woodside and Newton Sparta, is there a proposed turning lane there?

Mr. Stoner stated: On the Sparta Avenue side, yes.

Mr. Donnelly stated: We have spent countless months developing this plan. We spent hundreds and thousands of dollars working with professionals. We have a Redevelopment Plan in place that calls for access on these two roads. We have provided testimony as to safe and efficient. The Redevelopment Plan identified the areas that needed to be redeveloped. We have relied on this Redevelopment Plan and reliant on the Redevelopment Grant and come here tonight and giving you a plan that provides for what your Redevelopment Plan ordinance calls for. The applicant is not interested in pursuing pertinent discussion by going out to Woodside Avenue.

Chairwoman McCabe opened this portion up to the public.

Steve Kelmar 21 Dillar Avenue asked: Do you have an estimate of the number of Thorlabs employees who live north or east or Newton?

Mr. Disario stated: No.

Mr. Kelmar asked: Do you have an estimate on the increase in traffic on Dillar Avenue?

Mr. Disario stated: I do not.

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Mr. Kelmar continued: They are all going to come down Trinity onto Dillar Avenue. It is something that should be looked into. We get 9,000 cars a day now and they cross over Dillar Avenue to Sussex Avenue and they will come around the block to get to your site. They will avoid four traffic lights. That is where the traffic from Dillar Avenue comes from.

Mr. Donnelly asked: Did your traffic study comply with all the things the redevelopment plan asked you to study?

Mr. Disario stated: Yes.

Richard Arcuri, 23 Woodside. I am on the corner of Woodside Avenue and Pine Street so I am very familiar with the patterns on the Pine Street. I don't know if you considered that people park on Pine Street so what happens inevitably is that people drive down the center of the road so when you are adding how many at any given hour it is forcing a dead head of traffic right there. I don't know if you considered that and I just wanted to point that out. The other thing is we welcome this. So until about two minutes ago I am sorry but you don't live here and so when you say it complied they also have to take into consideration the residents. I am in agreement with our councilman here the owner of both even though they are not the same entities it is the same owner. So I understand that money has been spent but if you lived where they live you would investigate. That is what we are asking you. I know you are excited and what to get this going but don't too excited and run us over to do it.

Mr. Ricciardo stated: Council, I am not pulling this out of the blue, I had mentioned this at a previous meeting with Thorlabs and their consultants months ago so I am not pulling this out of the sky when I looked at the plan tonight. It is not something that I have not discussed with them before.

Mr. Donnelly stated: What I am saying is the Redevelopment Plan which is in place did not call for that.

Mr. Ricciardo stated: I understand. That is why I asked if the Redevelopment Plan could be amended to include that if there is some kind of agreement could be reached.

Mr. Elvidge stated: Let me say this in support of Mr. Ricciardo, we have sat up here and have been in this position with a number of traffic experts and I have to say I really respect your presentation and I think based on what you have in front of you right there we have seen some designed where they would hurt your eyes and that is within the last couple of months. I think it is a good layout but what Mr. Ricciardo is saying is we understand that you have a Redevelopment Plan in front of you, but with respect to the community, if we sitting up here see something that could make the project that much better, with respect to the dollars involved, and we can address it and solve it, I think it is worth the consideration. I know there are time deadlines and concerns about that but just like the resident said there may be a better option. That wasn't part of the plan originally but with the advent of the purchase of the property, its proximity and

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adjoining to what we are doing here right now, it appears that if it isn't the total solution. It offers some relief to the traffic situation on the site. It's not like it hasn't been mentioned earlier.

Kent Hardmeyer, 70 Pine Street stated: A 18 wheeler coming to the site from Rt. 206 south heading north is going to come down Woodside Avenue and then he is going to want to turn onto Pine Street and then onto Merriam Avenue. What is going to take him out to Sparta Avenue and around that way?

Mr. Disario stated: Given the fact that all the truck drivers will know that they need to come in and out of the Merriam Avenue access they are not going to cut done Pine Street and contend with a speed bump or a raised intersection.

Mr. Hardmeyer stated: One other thing that I would like to encourage you and or the Board to consider is the intersection of Pine Street and Merriam Avenue. It is not a pretty intersection. It has those big gigantic four- way stop signs and they are big and there are not a lot of trees because of the site distance. I wonder if there could be some discussion with the town to maybe put a flashing red light there and reduce the size of the stop sign and put a little more vegetation there and make the intersection a little more pleasing to the eye. Just a thought.

Chairwoman McCabe stated: I don't know if the residents want a blinking red light there.

Angela Pastoranos 11 Pine Street stated: As an attorney part of my job is always to solve problems and I am in a unique situation where now I am in the audience, I think there is a way to solve some of this at least with the truck traffic that everyone is talking about. We are talking about a limited amount of trucks, isn't there a way to get in touch with the drivers' companies to tell them where they can and cannot go. Other companies I know have strict instructions to their truck drivers and those companies distributing that they cannot enter onto certain streets. The other thing is if you can find out where people are going or where they live or have somebody on the facility security guard who is designating which entrances these people are exiting. You have ten cars going out and you see eight cars are going to one entrance surely certain companies have ways to designate five cars this way, five cars this way to alternate the traffic and you might see relief. People are going to find cut through all over and with these amount of cars you might find that people are spreading out to find quicker ways where you might see people bunching up at those intersections.

Diane Zelt, 11 Merriam Avenue stated: One thing we talked about and that is when it rains it floods down Mason Street to Pine Street. It is a big problem. Another concern for us is it is a mad house in the morning particularly when school is in, one thing is to think about is not have employees not being about to enter there between 7:30 am and 8:30 am because it is wild. The traffic backs up from Sparta past our house. We cannot get out of our driveway at certain times of the day. This is a real problem for us. We certainly understand how you have spent money on planning and engineering and have something you think is great but it is a concern for us in the neighborhood and we

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want to be good neighbors and we are happy to have you. But this will set the tone of how you really will be.

Mr. Russo asked: Mr. Stoner, on the raised intersections for Pine Street if we were to consider that, that is something we would have to do by ordinance because that is not something that could be done this evening but maybe we could consider doing at a later time.

Mr. Stoner stated: There are some drainage issues that need to be looked into.

Mr. Russo stated: I didn't want the public to get the impression that was something that was going to be part of any approvals or anything because it is something that the town will have to do by ordinance.

Michael Malone, Trinity Street stated: This afternoon just a little before 5:00pm there were a little over 100 cars in the Andover Thorlabs parking lot between 4:40 pm and 5:15 pm, 62 cars left and 10 came in. If they staggered the shifts like it was suggested, if you do that with the change in shifts in at 3 O'clock in the afternoon that kind of creates a problem with the schools. What I am saying is it has nothing to do with making any changes because you are not going to be able to make any changes to correct this.

Chairwoman McCabe asked: What is your solution?

Mr. Malone stated: A third entrance is the only thing you can do right now. There is nothing else that can be done. Possibly a light at Sparta Avenue and Merriam Avenue could be an idea.

Chairwoman McCabe stated: It would be too close to the light at Dillar.

Mr. Malone stated: I do not have a solution. My comment is just adding to the problem.

Chairwoman McCabe closed this portion of the meeting to the public.

Mr. Ricciardo asked: Mr. Soloway, what are the items that we can waive and what are the items we can't waive?

Mr. Soloway stated: You can waive everything that they have asked for a waiver on. The only non-waivable item that was actually included in the package that you saw related to the height of story and buildings they changed that so the two sign items the application for the monument sign and the application for the second façade sign where a second façade sign at least arguable is not allowed and you cannot exceed arguable 20 sq. feet as the total façade sign. They would both be deviations which is the same standard which you would apply if it was a c variance. You will notice Mr. Donnelly has questioned to the applicable witnesses trying to frame them in terms of addressing the C2 variance criteria if it outweighs the detriment. The elimination of the street lights on Merriam Avenue is also a deviation where again it has been framed as a

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C2 and because it would be a benefit in reducing the light in terms of the surrounding neighbors. The other non-compliant items which are noted in Mr. Stoner's report some of which the applicant now complies on are waiver which is a lesser standard and Mr. Stoner will go over them.

Mr. Ricciardo stated: So we can waive.

Mr. Soloway stated: You can.

Mr. Stoner stated: They are requesting relief from one tree every four parking spaces to one tree every 5.2 parking spaces, Relief from requirement of 30" shrubs to 24"-30" shrub dimensions, relief from design waivers and storm water waivers.

Mr. Donnelly stated: We do not think it is a waiver but the 25 foot light poles in the parking lot have to be addressed.

Mr. Soloway stated: The height requirement only applied to lighting fixtures on the street and there weren't any questions on the interior.

Mr. Ricciardo asked: We had a request about the lighting fixtures on the interior that they were going to come back with some more historic type fixtures.

Chairwoman McCabe asked: So other than those things mentioned earlier, the applicant is in compliance with the Redevelopment Plan?

Jessica Caldwell agreed with that statement.

Mr. Ricciardo stated: Let's go through all the stipulations that need to be attached.

Mr. Soloway stated: They would have to comply with all the recommendations set forth in Mr. Stoner's report and Mr. Burrow's report. The Sparta Avenue fixtures are to be more consistent with what the town wants along Spring Street. The applicant's indicated the willingness to work with the town with which light fixtures to use. They will comply with all the applicable requirements with soil removal.

Mr. Ricciardo asked: The historic fixtures that they are going to comply with have to be every place they indicated where a historic fixture will be on the site plan not just Sparta Avenue?

Mr. Donnelly stated: That is correct.

Chairwoman McCabe asked: Will we allow a design to be agreed upon between the professionals with Cory and the applicants' professionals to come up with a historic light fixture that meets their criteria for efficiency and downward lighting for the interior parking lot?

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Mr. Ricciardo asked: Does the board want to re-approach the street lighting on Pine Street as it was requested by the resident? They thought it would be safer if there was street lighting on Pine Street.

Mr. Soloway stated: I believe the question was to leave the lights on all night at the Pine Street entrance.

Mr. Le Frois asked: Did the Redevelopment Plan ask for lighting along both Pine and Merriam?

Mr. Ricciardo stated: Yes it did.

Mr. Soloway stated: That is a deviation. The only lighting you can have is right at the entrance.

Discussion ensued on the lighting.

Mr. Soloway stated: The applicant has applied for preliminary and final site plan approval. If the board is only going to grant preliminary tonight, my suggestion on the lighting issue is if the board does grant the deviation from the requirement that there be lights along the two streets, the board should grant the deviation. In terms of the design criteria put some general guidelines to help the professional in the resolution so we can finalize the design. I do think you have to decide on the deviation tonight but I think the details on the rest we can defer.

Mr. Soloway continued with the conditions. The application shall comply with what is depicted in the color elevations that are shown in Exhibit A9 because we have not seen the architectural before. Amend the first floor story height from 22 feet to 20 feet. Amend third floor story height to 13.4 feet. The actual installation of the generator will be subject to the town engineer's approval to define the time period during which it will be tested. Usually they are limited to day time hours but if you want to be more specific you can do that. As a rule the generator and the HVAC system must apply with all the applicable noise regulations. If it can be done as a practical matter, make the generator a natural gas generator. If it can't be achieved and it is a diesel generator then it should be a double wall tank. The landscaping that the applicant promised to do for the property owners to shield some of the lighting can't be a requirement unless the property owners agree to it but you may want to put in a condition that the applicant reach out to the property owners and if they are agreeable to that provide some landscaping.

Mr. Donnelly stated: That is fine.

Mr. Soloway continued with the raised intersection. If the board is willing to explore the raised intersection, I think that is all the board can do at this time. Mr. Stoner appears to have a number of issues and questions about this. This would also need the approval of the town council. In addition to these things, all typical conditions comply with all ordinances. It will be subject to a Developer's Agreement with the discretion of the

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Council, appropriate bonding on the recommendation of the town engineer and at the discretion of the Town Council.

Discussion ensued about the difference between a Developer's Agreement and a Redevelopment Plan.

Ms. Crediddo explained the difference.

Mr. Ricciardo stated: I am just trying to avoid some kind of conflict between the Developers Agreement and the Redevelopment Plan which would cause us to sit down and renegotiate again.

Mr. Soloway stated: The way I would frame it in terms of the resolution is the Developer's Agreement is required by the town council because the planning board does not get involved in that. I agree with Mr. Ricciardo that we can't be in conflict with the Redevelopment Plan and we are not trying to reinvent the wheel.

Mr. Soloway continued with the signs and stated they would be a deviation not a condition. If the board does grant the deviation there was some description of what the signs were going to look like.

The board did not object to the signs.

Mr. Ricciardo asked Mr. Stoner: The plans there were presented tonight differ from the ones we received in our packets and are you required a revised set of plans based on what was presented tonight. I just want to make sure the applicant is aware that you need the revised plans.

Mr. Soloway stated: I will make it specific in the resolution that the applicant provide the revised plans as a condition.

Mr. Russo asked: Do you want to put in something about no trucks on Saturday and Sundays?

Mr. Donnelly stated: We would be reluctant to agree to that because as you heard from testimony tonight the applicant is a high tech operator and I would not want to restrict them to operations on a particular day. They are clearly concerned about the neighbors and they do not want to make enemies with their neighbors. They will try to do the best they can. I am sure the people from Thorlabs will go back and make sure the truck drivers are respectful of the neighbors.

Mr. Russo stated: There was a statement made by the C.O.O of the company there will be no tractor trailer deliveries on Saturdays and no Fed EX or UPS deliveries on Sundays. I am sure you can understand our hesitation of granting approval knowing the residents have those concerns.

Mr. Elvidge agrees as well.

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Mr. Disario stated: My testimony was that current conditions as of today is that we don't get truck traffic on Saturday and Sunday but as business conditions change, I can't guarantee that will be the case going forward

Mr. Russo stated: The residential character of the community will not change in that area. It will always be a concern. I think it is important we address it now.

Mr. Flaherty stated: I want to compliment Langan on the application and all the work that went into it and Thorlabs. I want to especially compliment Mr. Stoner on what a great job he did on going through all this material and making sense of it for us.

**Mr. Ricciardo made the motion to approve preliminary site plan approval with all the conditions, waivers and deviations stated tonight for construction of a 98,000 square foot building. Mr. Flaherty seconded the motion.**

**AYE:** Mr. Caffrey, Mr. Elvidge, Mr. Flaherty, Ricciardo, Mr. Russo, Mr. Le Frois, Mrs. McCabe

A special meeting scheduled for Wednesday June, 23, 2010 with no further notice required to the public.

**ADJOURNMENT**

**Mr. Flaherty made a motion adjourn the meeting. Mr. Le Frois seconded the motion.** The meeting was adjourned at 7:35 pm with a unanimous "aye" vote.

The next regular scheduled meeting will be held on July 21, 2010 at 7:00 pm in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart  
Planning Board Secretary

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**EXHIBITS**

**Exhibit A1** is an aerial photo showing site Block: 1104, Lot: 21 dated 6/16/2010.

**Exhibit A2 Aerial photo of site dated 6/16/2010.**

**Exhibit A3** dated 6/16/2010 Landscaping plan.

**Exhibit A4 Grading and Drainage Plan dated 5/12/2010.**

**Exhibit A5, dated 5/12/2010 Is the Utility Plan**

**Exhibit A9 Exterior Elevations A202**

**Exhibit A10** is Monument sign; Dumpster Enclosure dated June 16, 2010.