

**Planning Board Meeting
Special Meeting September 9, 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.

MEMBER PRESENT: Mrs. Becker, Mr. Flaherty, Mr. Flynn, Mr. Russo, and Chairwoman McCabe

ALSO PRESENT: Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, Mr. Cory Stoner, Board Engineer from the firm Harold E. Pellow & Associates and Kathy Citterbart Planning Board Secretary and Debra Millikin, Deputy Town Manager.

FLAG SALUTE

CONSIDERATION OF MINUTES

July 21, 2010

Mr. Russo made a motion to approve the July 21, 2010 minutes per corrections. Mrs. Becker seconded the motion.

AYE: Mrs. Becker, Mr. Flaherty, Mr. Russo, Mrs. McCabe

HISTORIC RESOLUTIONS

#HPC-12-2010

Northern NJ Endoscopy Center, LLC

Block: 708 Lot: 8 & 9 – 18 Church Street

Recommendation to amend previously approved plans.

Mrs. Becker made a motion to approve the resolution. Mr. Flaherty seconded the motion.

AYE: Mrs. Becker, Mr. Flaherty, Mr. Flynn, Mr. Russo and Mrs. McCabe

#HPC – 10-2010 – William Nutto

Block: 403, Lot: 3 – 61 High Street

Recommendation to add a third floor fire escape.

Chairwoman McCabe stated: This is a very important building in the Historic District. The fire escape would be on one of the exposed sides of the building. Did the Historic Commission discuss alternative locations for the fire escape because I believe it could be put in the back? The back has a one-story flat roofed addition and I believe the board should have addressed whether a fire escape could have been put from the third floor window. Are they talking about the attic window?

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Mrs. Citterbart stated: Yes.

Chairwoman McCabe stated: Then that might not be a possibility to put it in the back.

Mrs. McCabe stated: I also have an issue that the applicant did not provide any information about the fire escape; there are no drawing or specs. If this building needs a fire escape to meet the fire codes, I have no problem with that, but there are no specs on the fire escape; what it is made of, what it looks like. If it is on the back of the building it would not be a big deal but if it is on the front of a very prominent building in the Historic District for everyone to see, we need to know what it is going to look like.

Mrs. Citterbart stated: I believe he wanted to talk to Joe Inga about it to see what was required from the fire marshals.

Chairwoman McCabe stated: As far as the type of structure?

Mrs. Citterbart stated: Yes.

Mrs. Becker stated: There are fire escapes on the front of buildings on Spring Street.

Chairwoman McCabe stated: Correct. Will this board then agree to allow Mr. Inga to determine the type of fire escape allowed?

The board was okay with this.

Mr. Russo made a motion to approve the resolution. Mrs. Becker seconded the motion.

AYE: Mrs. Becker, Mr. Flaherty, Mr. Flynn, Mr. Russo, Mrs. McCabe

#HPC – 11- 2010

Sarah Samanns

Block 703, Lot: 10.01

192 Spring Street

Recommendation to construct a new 2 ft. 9in. x 4 ft. business sign.

Mrs. Becker made a motion to approve the resolution. Mr. Flaherty seconded the motion.

AYE: Mrs. Becker, Mr. Flaherty, Mr. Flynn, Mr. Russo, Mrs. McCabe

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#HPC- 13-2010

Erik Hall

Block: 717 Lot: 8

173 Spring Street

Recommendation to remove plywood & stucco façade to expose original glass windows & brick. Remove two large non-original windows and replace with French style window doors and replace rotten sign with a hanging pole sign.

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

AYE: Mrs. Becker, Mr. Flaherty, Mr. Flynn, Mr. Russo, Mrs. McCabe

RESOLUTIONS

None

NEW BUSINESS

#PB-05-2010

Thorlabs, Urban Renewal, LLC

Property Location: 56 Sparta Avenue

Block: 1104 Lot: 21 MXD Zone

Applicant is requesting a Final Site Plan approval for the construction of a 100,000 square foot facility consisting of light manufacturing, research and development, office space and associated storage space, parking components and other improvements.

Peter T. Donnelly, Esq. from Graham Curtain, representing Thorlabs Urban Renewal, LLC stated: As pointed out this is for final site plan approval. First, I would like to thank the board for granting us this special meeting.

Mr. Donnelly continued: We published in the newspaper, sent out notices to all the homeowners and proof was given to Mrs. Citterbart. She presented me with a letter tonight that everything was complete so that we could be heard tonight. I would like to begin by calling witness Richard Burrow from Langan Engineering to address his own letter responding to the submittals. We also have here tonight to answer any of the Board's questions the traffic expert, the architect, a representative from the builder and an individual from Thorlabs.

Chairwoman McCabe asked: Do you have any new professionals with you tonight?

Mr. Donnelly stated: No, I do not.

Mr. Soloway stated: They should all be re-sworn in tonight. This is a separate hearing. The experts we heard from previous testimony do not have to be re-qualified though.

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Mr. Soloway also stated: In order to grant the applicant final approval, the board has to determine if the applicant has complied with all the conditions that were in the preliminary except for those that could not be done and whether they have complied with any of the applicable ordinances.

SWORN: Dan Disario, Langan Engineering, Elmwood Park, NJ, Traffic Consultant, Richard Burrow, Langan Engineering, Elmwood Park, NJ, Civil Engineer, Carmine Cerminara, Cerminara Architect, Hillsborough, NJ, Architect, Paul Malone, Thorlabs, Newton, NJ, Optics Business Unit Leader for Thorlabs.

Mr. Donnelly questioned Mr. Burrow. You reviewed Mr. Stoner's report of September 2, 2010 and you wrote responses to his report dated September 8, 2010. Can you walk us through your responses to Mr. Stoner's letter?

Mr. Burrow stated: Yes.

SWORN: Daniel Lacz, Design Build firm J.G. Petrucci Co., Inc., Asbury, NJ.

Mr. Donnelly asked Mr. Lacz: You are fully familiar with these plans? You are the design builder on this project and you were here at the last meeting?

Mr. Lacz stated: Yes.

Mr. Donnelly asked: At the last meeting the board the public raised issues regarding the light loss on neighbor's property, what happened at the last meeting, did you speak to anyone?

Mr. Lacz stated: Yes. I spoke to some individuals, neighbors in the hallway and gave my contact information and we are going to have field meetings to address their concerns about offsite landscaping.

Mr. Donnelly asked: Is it fair to say that Thorlabs essentially offered to meet with them to install some landscaping to mitigate potential lighting affects?

Mr. Lacz stated: Absolutely.

Mr. Stoner asked: How is the town going to be involved to make sure the property owners are properly being coordinated with. Are we going to be invited to these meeting?

Mr. Donnelly stated: I don't think we have any objections. Can Mr. Stoner be invited to these meetings?

Mr. Lacz stated: Absolutely.

Mr. Donnelly stated: We will have Mr. Stoner at the meetings.

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Mr. Stoner stated: This way I can report back to the board with what occurs at those meetings.

Mr. Donnelly continued his questioning of Mr. Burrow. Can you speak about the pile of dirt in front of Thorlabs.

Mr. Burrow stated: As we discussed at the last meeting, the site is a Brownfield site and there is contamination on the site. The contamination has been there for a long time and Thorlabs purchased the site knowing the contamination was in place and have taken on the obligation to remediate the site. We started the remediation of the site so the work that you see going on at the site in the past week has been part of that remediation. We have excavated about 500 cubic yards of soil that is contaminated. The soil is still piled on the site while we wait for test results to come back. Once we get the test results, which should be next week, that soil will be shipped off site in accordance with state environmental regulations. We are continuing to do remediation.

Mr. Burrow stated: There will be signs going up at the site showing the public that there is contamination and it is being remediated and not to be alarmed.

Mr. Donnelly stated: As Mr. Burrow pointed out, the DEP is requiring us to purchase signs. The sign will confirm that it is being remediation and the sign will have contact information for anyone who is interested in finding out more about it.

Mr. Stoner stated: It is important to keep the town informed of the soil being removed so if you could provide me with any documentation that would be great.

Mr. Donnelly questioned Mr. Burrow: There was a Planning Board memo that was attached to your letter dated July 26, 2010 and on the 1st line of the memo references plans for minor subdivision. Is that a typo? Did they make a mistake on that?

Mr. Burrow stated: Yes. It is a mistake and they will issue us a revised letter that will correct the wording.

Mr. Soloway asked: You are confirming that there is no subdivision going on in which the planning board needs to be aware of?

Mr. Burrow stated: Correct.

Mr. Donnelly stated: Please send a copy of the corrected letter to the clerk when it arrives.

Mr. Donnelly continued: There also was a question about easements. Are you aware of any easements that have been granted to the town other than the site triangle easement that is shown on the plan?

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Mr. Burrow stated: No. The only easement will be site triangle at the corner of Pine and Merriam which is requested.

Mr. Burrow spoke about his response letter. He marked it as **Exhibit A-13**, Rendered Site Plan.

Mr. Donnelly asked: Is that a new drawing?

Mr. Burrow stated: Yes.

Mr. Soloway stated: It doesn't match up with any black and white that was submitted with the application.

Mr. Burrow stated: It is very similar to the landscape plan that was submitted with the application but it does not match it entirely.

Mr. Burrow continued: The applicant will provide the enlarged sight triangle as requested. This new plan reflects moving the landscaping back. We are keeping the same landscaping we are just moved it back so there is a clear view around the corner.

Mr. Donnelly asked: We did not lose any trees, parking or shade. You actually improved the shade.

Mr. Burrow continued: The applicant will provide the sidewalks aprons as requested at the intersection of Merriam Avenue and Pine Street. We also provided some calculations for the storm filter chamber. There is a storm filter chamber which is going to filter the runoff from the parking lot and engineering calculations to show that has been sized correctly. We provided them for Mr. Stoner's review.

Mr. Stoner stated: I did not review them yet.

Mr. Burrow continued: Under Item 4B we will provide an updated Stormwater Management Facilities Operation and Maintenance Manual for the proposed site improvement to reflect as built conditions at the completion of the project.

Mr. Burrow continued: Item 5, there are some small retaining walls on the back side of the building and we need to provide more detail drawings to the construction officer to get building permits and have agreed to do that at the appropriate time.

Mr. Burrow continued: Item 6 lighting. I will refer to another exhibit. If you recall from the last meeting there was some debate on the type of lighting that was proposed at the site. We have three light fixtures at the site. **Exhibit A2, Drawing of Different Lights** on Spring Street/Main Street. The one in red is the exact same fixture that is currently used throughout the town and is a historic fixture. We will be using that at 9 locations on the site. The other fixtures shown are more modern fixtures. With the historic fixture the light is coming out of the side and the light is coming downward with the more modern lights. **Exhibit A3** is showing the location of each of these lights.

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Mr. Donnelly asked Mr. Burrow: Arriving at these fixtures, did you have any discussions with the town since last meeting about these fixtures?

Mr. Burrow stated: Absolutely. We offered a number of different fixtures to the town and we actually proposed an alternate historic fixture before we agreed to go with the fixture that you have already. We proposed 6 or 8 different efficient fixtures within the site and we came to the conclusion that the Gardco Gullwing was the best fixture because it is so discreet. It will blend into the background when it is not on and you can't see the light at all because it is going to be shining down. So within the site you can see each of these blue squares in the parking lot are the Gardco Gullwing fixtures that will shine the light directly down. It will provide efficient and even lighting throughout the parking lot. The red squares are the historic fixtures and they will be on Pine Street, Merriam Avenue and the two entrances and they will be on Sparta Avenue and along the walkway from Sparta Avenue to the front door of the building. Two of the lights located on the Sparta Avenue site are along the lot lane so they will seem more like the street scape which shows them back we have moved them forward slightly.

Mr. Stoner stated: I thought as part of the street scape the lights would be out at the road way close to the road so you will see them as you are driving down the road rather than having them pushed back into the site.

Chairwoman McCabe asked Mr. Stoner: Are you in agreement with all the light fixtures that this is the best option?

Mr. Stoner stated: Mr. Burrow is correct. We looked at many lights fixtures and it very difficult to match the historic fixture we utilize down town without having a light fixture where the light is shining out the sides. Remember we talked about it at great lengths. We want the light to shine straight down. They came up with a couple of different options. They looked at this tear drop light but this one seemed like it would take over the parking lot. The one they picked is more of a generic type of light. Your eyes are not being drawn to those lights. I think the one they picked will be fine.

Chairwoman McCabe stated: I was hoping they would come up with something a little less modern. Something that keeps the historic feel but provides the downward lighting that we were looking for.

Mr. Stoner stated: That is why they are here. We went through many, many different types of lighting.

Mr. Flaherty asked: Is this the best compromise?

Mr Stoner stated: When you put them next to each other it does look more modern but I do like the idea of the box style light.

Mr. Burrow continued: The reason they picked this one is because of the narrow profile. Every other fixture that we reviewed was just bigger.

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Mr. Donnelly asked: For these historic fixtures, how high is the gulling going to be off the ground?

Mr. Burrow stated: The Gulling is 20 feet off the ground.

Mr. Donnelly stated: The Gulling will be 20 feet and the historic will be on a 12 foot pole.

Chairwoman McCabe stated: If we can't go more historic but we could go more industrial because it is an industrial site?

Mrs. Becker stated: I find them very unobtrusive. They seem to blend in.

Mr. Burrow stated: When you are on Sparta Avenue you are going to see the building and the fixtures and when you come along Merriam you will see the landscaping and the historic fixtures marking the entrance similarity as on Pine Street. You will see the landscaping and then the historic fixtures at the entrance. That was our design intent.

Mr. Stoner stated: My recommendation would be to go to a shoe box style light a little bit more of an upgrade not so plain. There are lights that are more of a square shape not as streamline.

Chairwoman McCabe asked: Are these unobtrusive to the neighbors?

Mr. Stoner stated: I think so. They are going straight down. You don't have the glow. Obviously there is going to be light. When the trees start to grow in it will hide some of the light.

Mr. Russo asked: Can you keep the Gullwing style light fixture up top and have a different pole that more mirrors our historic look? You could compromise with the pole in lieu of the fixture because you will see the pole. You can carry the theme throughout with the pole.

Mr. Stoner stated: I don't know. I have only seen it as a square pole.

Mrs. Becker stated: The mounting of it might not work.

Mr. Flynn asked: Are they halogen lights or energy efficient lights?

Mr. Burrow stated: They are efficient.

Mr. Stoner stated: It is a requirement of the redevelopment plan.

Mr. Donnelly stated: That was part of the determination of coming to these light because they are so efficient.

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Chairwoman McCabe asked the Board if they are satisfied with the lighting. Board was in agreement.

Mr. Russo asked Mr. Stoner: Are you satisfied with the quantity of the historic and the placement.

Mr. Stoner stated: Yes. The idea was to put this out at the street scape. Once you get off the street than you get in to the parking area lights. They even put a couple of historic over by Chun Bo. The main lights that are from the road way I believe they did go to the historic route. There will be 9 of them.

Mr. Flynn stated: I do like the modern style shoe box better than the old style of obstructive just boxed.

Mrs. Becker stated: They are sleeker looking.

Chairwoman McCabe stated: Hopefully the trees will cover them.

Mr. Stoner stated: That was the idea of them using the larger trees. You will see them for a while but the idea is once the trees grow in it will start to shield them.

Mr. Burrow continued: Comment 6b. The lights will come on at 6:30 am when people start to arrive and will turn off at dawn, turn back on at dusk and either shut off at 7:30 pm or 11:00 pm depending on the shifts. Some lights will be on 24 hours. There is always a lighted route from the building. There is a skeleton crew there till 3 am of 15 or so people so there is one parking lot left on for those people.

Mr. Soloway asked: In the September 8, 2010 letter where Mr. Burrow is responding to 6C, his last comment on that is he says during the few times in which the building is completely occupied the parking lot lighting will operate from dusk to dawn.

Mr. Burrow stated: That was an error.

Mr. Donnelly stated: We will ask that we redact that if we can?

Mr. Soloway asked: The other thing that was left open from the first hearing on the lighting plan there was some discussion about the lighting along Pine Street. The consensus among the neighborhood was less would be better because they did not want to be disturbed by the glare. One resident who spoke stated she wanted more lighting there because she had a concern about security and in the resolution granting preliminary it was put off until now. So in terms of whether you might want to address that concern about the security by directing the two lights at the Pine Street entrance maybe on all night.

Mr. Donnelly stated: That is what we are proposing to leave those two lights in red on.
Mr. Donnelly asked: What type of fixtures are those?

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Mr. Burrow stated: They are the historic fixtures.

Mr. Donnelly asked: The three blue ones below it are what type of fixture?

Mr. Burrow stated: They are the gulling and they will be turned off.

Chairwoman McCabe stated: I have a concern because of how bright those lights are. Can they be toned down?

Mr. Stoner stated: No.

Mr. Burrow continued: Comment 7 a-d, Mr. Stoner suggested larger trees and more variety. We have provided a map illustrating the tree canopies and we moved the lighting so the landscaping at Pine and Merriam will have a larger site triangle. Comment 7d we are working with the neighbors.

Mr. Burrow stated: Comment 8A is about the sanitation and sewer. We have provided that information and there is no further response. The Simplified Water Main Extension Certification application was submitted to the New Jersey Department of Environmental Protection on September 2, 2010 and a copy of the application package was provided to the Town of Newton Water & Sewer Utility. The town has endorsed it and we thank you. The fire suppression system is presently being designed by the applicant's consultant and final calculations will be provided to the Fire Sub Code Official.

Mr. Burrow continued: The other comments on Mr. Stoner letter regarding the architectural plans is that we comply

Mr. Soloway stated: It is confirming compliance with the requirements of the resolution.

Mr. Stoner stated: Most of those items were discussed at the last meeting were presented on the site plans.

Mr. Burrow continued: Comment 11 was a request for As-built drawing which we will provide and 11 b there is an existing JCP&L easement along Merriam Avenue which will be extinguished.

Mr. Soloway asked: Do you have a time frame anticipated on that?

Mr. Donnelly stated: We have not talked about that.

Mr. Soloway asked: Is there anything that needs to be done before the easement can be vacated?

Mr. Donnelly stated: I don't think so.

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Mr. Burrow stated: There was a parking lot before and after so that it why I don't think there should be any problems.

Mr. Donnelly stated: There are no other utilities in that area.

Mr. Stoner stated: There is other stuff you can work on in the meantime.

Mr. Burrow stated: Comment 11c is regarding the environmental cleanup. I began my testimony with an update on that.

Mr. Stoner asked: Can you show us where the piles are.

Mr. Burrow stated: Certainly and he drew a picture of where the piles are. They are north of the proposed building in the middle in an east-west direction.

Mr. Stoner asked: In order to get to the final site plan approval I am sure you will try to get to construction in the very near future, how do these soil piles removal impact your schedule?

Mr. Burrow stated: From my testimony earlier, we are going to deal with them next week. So our goal is they are gone in the very near future and we can start the construction.

Mr. Soloway asked: Where is the area in which you are digging as opposed to the area where the piles are?

Mr. Burrow stated: Right next door.

Mr. Soloway stated: So everything is inside the foot print of the building. I assume that you have to complete that entire process before you can proceed with anything else?

Mr. Burrow stated: Our schedule is to have it completed this month.

Mr. Soloway stated: Does DEP have to sign off?

Mr. Burrow stated: Sign off is through the licensed site remediation professional.

Mr. Soloway stated: Yes that is the new process.

Mr. Donnelly stated: We have engaged a licensed site remediation professional overseeing the work.

Mr. Burrow continued: Comment 11d is the generator. As we testified the generator will be a color that matches the building. We are still working on the load requirements of the exact size.

Mr. Donnelly asked: The location of the generator is on the plans at preliminary. It hasn't been moved.

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Mr. Borrow stated: Correct it hasn't moved. It is in the back.

Mr. Stoner stated: When you decide on the color and size we would like to be consulted.

Chairwoman McCabe asked: Mr. Stoner, please monitor the retention area around the generator.

Mr. Donnelly asked: I think there was testimony regarding retention procedures last time?

Mr. Lencsak stated: Yes. We talked about if it becomes a diesel generator than it will be self contained and we will have a container for it and we also talked about going to a natural gas generator and that would be our preference if we can work it that way.

Mr. Soloway stated: The resolution expressed a preference for natural gas if feasible. Has a determination been made as to whether natural gas is feasible?

Mr. Lencsak stated: We are working with our engineer on the loads of the inside and once we get those we can start to design the size of the generator and that is where you will get the specific answer. I believe it will go natural gas but I cannot say that for a fact.

Mr. Flynn asked: Going back to the contamination issue, have you delineated how far the site is contaminated?

Mr. Burrow stated: Yes. That is how we arrived at the area that has to be excavated. We did testing to delineate it. We then excavated up to the lowest delineation and we have done post excavation sampling and that is some of the tests results we are waiting for.

Mr. Stoner asked: This is the only part of the site that has soil contamination?

Mr. Burrow stated: Yes.

Mr. Stoner asked: Has the ground water contamination issue been resolved with the folks across the street and the monitoring wells?

Mr. Burrow stated: It is our agreement with the neighbors that we are not fixing their contamination. There are monitoring wells on the site that will remain in place so we will continue to monitor that contamination despite the fact that our constructions are going on.

Mr. Stoner stated: The monitoring wells is very close to the building.

Mr. Burrow stated: They are right under the building. The well that comes straight up to the surface will be reengineered to be an L-shape so it will come into the site of the

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building so once the building is complete it will come to ports located along the north side of the building and perform the same sampling that they are.

Mr. Donnelly asked: So the wells are in the ground. They are not being moved, we are just building around them and that is the neighbor's wells?

Chairwoman McCabe stated: You are very accommodating.

Mr. Donnelly stated: We have been taking with people from US Oil and partners from Langan and essentially they have to stay where they are because DEP says so. We would love to move them but we can't. So we have to build around them. It has been a headache for us. It is what it is, we are aware of it, the wells have to stay. Some of the wells of US Oil are outside the building and we have to do some things to move the well heads up and bring the grade up to accommodate the new grading and we are doing that as well. But all the wells of US Oil are staying.

Mr. Burrow stated: Comment 11E we do not have a Developer's agreement.

Mr. Donnelly stated: I provided you with a letter from McManimon & Scotland, LLC that addressed the issue that a Development Agreement is not necessary and it is attached to the letter from Langan. It is on Page 2 item 2 of the July 26, 2020 letter from McManimon & Scotland, LLC.

Mr. Soloway stated: Typically, you would have the Development Agreement to deal with matters such as bonding, COAH, and any type of improvement type issues. The only thing that would be dealt with in a Developer's Agreement are things still sitting out there and some kind of procedure to approve or finalize any easements that are being granted here. I agree the only easement involving the town that is coming out of this process is the sight easement. We can provide by resolution that the easement documents will be satisfactory to the town engineer and the board and/or the town's attorney and by pass that. I think it does have to go to the town attorney because it is ultimately a town as opposed to a board consideration.

Mr. Stoner asked: I do have a question regarding timing with building permits, etc., redevelopment agreement can we get around that?

Mr. Soloway stated: On the site easement I don't think you need it for building permits. It is more of a CO issue but I am not sure that is correct because you do not want to build or install anything in the area of the easements. It is a practical matter based upon the developing plan. The only thing you run the risk of there is landscaping. I think you would be able to police that. I think no CO until the entire process is finalized. I don't see why it would have to be done before a building permit. It is not a complicated issue. It can be done quickly but I don't think it necessarily has to be done next week either.

Mr. Burrow stated: Lastly, we received endorsement of the NJDEP Simplified Water Main Extension Certification application from the Newton Water and Sewer

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Department. We obtained this on June 15, 2010. The applicant will meet with the Construction Official during the building permit review process. The Fire Sub Code Official will be dealt with in a similar manner. The applicant obtained preliminary site plan approval from the Sussex County Planning Board on July 26, 2010. A Freshwater Wetland General Permit NO. 6 application was submitted to the NJDEP on June 30, 2010. The NJDEP has agreed with the delineated wetland line. They are waiting for responses from the NJDEP Historic Preservation office and USEPA to complete their review of the application.

Mr. Burrow continued: The Water Main Extension permit was submitted to DEP on September 2, 2010.

Mrs. Millikin stated: They did obtain their approvals from the utility board on June 15, 2010. The only outstanding item is that prior to them getting the permits they will have to pay the hookup fees. That will have to file that with the water department.

Mr. Stoner asked: Do any of the permits preclude the start of construction? Could you talk to the board about what you are looking at for time frame and what are you looking at to construct this year. Is there any kind of construction schedule?

Mr. Lacey stated: I believe we would like to break ground early October to start site work.

Mr. Donnelly asked Mr. Lacey please explain what do you mean by site work.

Mr. Lacey stated: Soil erosion control, starting at excavation, clearing foundations, clearing shrubbing all subject to permits.

Mr. Stoner stated: There are a number of permits that need to be obtained. The biggest one is the DEP and the water main extension.

Mr. Lacey stated: Those conversations are ongoing but our intent is to start in October.

Mr. Stoner stated: Some of the issues are whether or not the construction official can get the building permits if you have outstanding permits. You are supposed to make sure you have the water in place. They can work around it but make sure the state is on board before the construction officials can grant that type of approval.

Mr. Lacey stated: Those conversations are ongoing but our construction schedule is subject to all permits.

Mr. Soloway stated: You might want to defer those decision to the construction department in terms to what permits need to be in hand now before they do anything.

Mr. Stoner stated: They can start construction once the permits are in place. They have to have a pre-construction meeting to make sure everyone is on the same page. Other than that, once everything is in place they can start work.

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Chairwoman McCabe asked: Mr. Stoner do you have anything to add regarding Mr. Burrow's comments.

Mr. Stoner stated: No. Everything has been covered.

Mr. Soloway asked: One of the open conditions from preliminary was a discussion with the town engineer about the feasibility of providing a raised intersection with other traffic and calming device on Pine Street, I was just wondering if anything ever came about it? It was condition 16.

Mr. Stoner stated: We have not really discussed this any further from the last meeting.

Chairwoman McCabe stated: It is really not a planning board issue.

Mr. Soloway stated: The way the condition was set up it required anything to be put out there council's approval but before it got to the council it had to be determined by the town engineer's office whether it was desirable and feasible in the first instance. If that determination was made, then it would have to go to the planning board.

Chairwoman McCabe stated: I understand there are drainage issues there as well.

Mr. Soloway stated: My recollection was that we were not enthusiastic about the concept but it was left open.

Mr. Stoner stated: I am still hesitate of such a thing. If you want to leave it as a condition and we can review it with council.

Chairwoman McCabe stated: I think the option should be looked at. If is not feasible then we won't do it but I think it should be explored.

Mr. Stoner stated: I will look at it and comment back to the board and the council.

Chairwoman McCabe stated: It will be a council decision.

With no questions from the Board, Chairwoman McCabe opened this portion of the meeting up to the public.

Diane Zett, 11 Merriam Avenue, asked: Regarding the two historic lights that are on Merriam Avenue, we see from the drawing that they plan to be on 24 hours, we were wondering if they could be turned off around 11:30 or 12 midnight or whatever the last shift is?

Chairwoman McCabe asked: How does the board feel?

Mr. Donnelly stated: This also impacts the conversation from Pine; we had conflicting testimony from public on Pine who wants them.

Ms. Zelt stated: Pine wants them because it is very dark over there.

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Mr. Donnelly stated: My recollection was Pine Street wanted them on for security reasons.

Mr. Donnelly stated: We will then propose that if you don't want them on then we will turned off at 11:00 with the rest of them.

Chairwoman McCabe stated: If it turns out in the future that it is more desirous to have them on Thorlabs will be accommodating.

Chairwoman McCabe continued: Leave them on at Pine since that was desired and because it is so dark and turn them off on Merriam.

Mr. Donnelly stated: So on Merriam we will turn them off at 11:00 pm and on Pine Street we will leave them on 24/7.

Mr. Donnelly stated: We are accommodating on certain fixtures when they go and off If it needs to be changed in the future just let us know. We just want them on during operational hours.

Mr. Stoner stated: Once you get to the driveway there is a light in that access road so there is going to be some downward light. Is there a monument sign?

Mr. Donnelly stated: There is an internally lit monument sign on Merriam near the left hand light.

Ms. Zett asked: Is that light going to be on all night?

Chairwoman McCabe stated: I don't know if this has been addressed. I don't think there is any need for that to be on all night.

Mrs. Becker stated: I would think it would be. If you even drive by Bear Brook Golf Club they have a monument sign and if you drive by it, it is very low lighting but you know what you are passing. If it was a place of business I would want it to be on all night. I don't think it will impact the neighbors.

Mr. Donnelly stated: We prefer there be no time restrictions on that sign.

Mrs. Becker and Chairwoman McCabe both agreed that it will be solved.

Ms. Zett asked: We have been talking about the number of vehicles that will be coming in and out of the entrances at various times and somebody brought up possibly an entrance or exit onto Woodside Avenue as an alternative to help with the traffic flow. We have particular concern with mornings during school the traffic gets really backed up and with the majority of the employees leaving between 4pm and 5pm. We wanted to know what happened with that.

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7:00 pm

Chairwoman McCabe stated: It was agreed at the last meeting that it was not part of this site plan application and we can't make it part of this application. We did ask but it cannot be part of this application.

Angela Postranosris stated: My property is at the end of Mason. My concern is that section of Pine Street from our house to Merriam is extremely dark. I think it has created an attractive nuisance. I think the business would like to see it lit for security reasons because you do see people cutting through from Woodside down there. Currently it is pitch black. I would rather see the benefit of keeping riffraff out of that area and keeping the lights on 24/7 by the entrance.

Mr. Donnelly stated: We will do that. The two by the entrance will stay on.

With no more public stepping forward, Chairwoman McCabe closed this portion up to the public.

Mr. Donnelly stated: I want to thank the Board for their time again for this special meeting and your consideration. Thorlabs is very excited about this project, very excited to get shovels in the ground and start moving. We would like to extend our thanks to this board and the township board and the professionals have extended to us and with that we would ask the Board to consider and approve our application for final site plan for this site.

Chairwoman McCabe stated: We look forward to having you as a neighbor here.

Mr. Flaherty made a motion to grant final site plan subject to the satisfaction of all of the conditions that were imposed at the time of the preliminary hearing and subject to compliance by the applicant with the representation set forth in the September 8, 2010 letter of Mr. Burrow which is the response to Mr. Stoner's letter and more or less incorporates it. Approval of the lighting plan as presented through the exhibits and also discussed in Mr. Burrow's letter with the direction that the two historic light fixtures at the Pine Street entrance be left on overnight and the two historic light fixtures at the Merriam entrance be turned off at approximately 11pm. The site easement being subject to approval by the town engineer, the town attorney, and Mr. Soloway and Sparta Avenue lights will be left on all night. Mr. Russo seconded the motion.

AYE: Mrs. Becker, Mr. Flaherty, Mr. Flynn, Mr. Russo, Mrs. McCabe

Mr. Donnelly stated: As you heard tonight we are trying to get into the ground as soon as possible. As your council can tell you, the appeal period on this approval will start to run once the resolution is published. We ask if possible and if Mr. Soloway's schedule permits, that the board would consider approving the resolution at the next regular meeting on September 22, 2010.

Mr. Soloway stated: I will try to have it at the September 22, 2010 meeting.

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7:00 pm**

ADJOURNMENT

Mrs. Becker made a motion to adjourn the meeting. Mr. Russo seconded the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 8:30pm.

The next regular scheduled meeting will be held on September 22, 2010 at 7:00pm in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Board Secretary

**Planning Board Meeting
Special Meeting September 9, 2010
7:00 pm**

EXHIBITS

Exhibit A2 Drawing of light fixtures

Exhibit A3 Marked up copy of the drawing showing different locations of the light fixtures.

Exhibit A-13 Rendered Site Plan