

WHARTON PLANNING BOARD  
ANNUAL REORGANIZATION MEETING  
January 12, 2016

The Annual Reorganization Meeting of the Wharton Planning Board was called to order at 7:00 p.m. with Attorney Alan Zakin reading the Open Meeting Statement as required by law.

Attorney Zakin swore in Councilman Thomas Yeager, Mr. Ken Loury, Mr. Roger Steele and Mr. Mark Harris

ROLL CALL was taken and the following members were present: Chairman Ken Loury, Councilman Thomas Yeager, Mr. Roger Steele, Mr. Mark Harris, Ms. Charlotte Kelly, Mr. Jared Coursen, Ms. Jennifer O'Malley-Dorr, Brian Bosworth and Mr. Peter Rathjens. Also present were Attorney Alan Zakin, Engineer Christopher Borinski, Planner Jessica Campbell and Secretary Patricia Craven. Excused was Mayor William J. Chegwiddden and Patrick O'Brien.

Attorney Alan Zakin led those present in the Pledge of Allegiance to the Flag.

A Motion was made by Tom Yeager and Seconded by Mark Harris to nominate Ken Loury as Planning Board Chairman. YEA - 9 NAY - 0

The Meeting was turned over to the Chairman Ken Loury.

A Motion was made by Tom Yeager and Seconded by Mark Harris to nominate Roger Steele as Vice Chairman. YEA - 9 NAY - 0

Chairman Ken Loury read the following appointments: Planning Board Attorney –Steve Azzolini, Planner – J. Caldwell and Assoc., Engineer – CHA, Secretary – Patricia Craven

A Motion was made by Mark Harris and Seconded by Jared Coursen to approve.

YEA - 9 NAY - 0

Chairman Ken Loury read the following designations: Official Paper - Daily Record, a Motion was made by Jared Coursen and Seconded by Peter Rathjens to approve.

YEA - 9 NAY - 0

Meeting Dates for February 2016 through January 2017. A Motion was made by Thomas Yeager and Seconded by Brian Bosworth to approve the dates.

YEA - 9 NAY - 0

A Motion was made by Roger Steele and Seconded by Mark Harris to adjourn the reorganization meeting. YEA - 9 NAY - 0

WHARTON PLANNING BOARD  
REGULAR SCHEDULED MEETING  
January 12, 2016

The Regularly Scheduled Meeting of the Wharton Planning Board was called to order with Chairman Ken Loury reading the Open Meeting Statement as required by law.

ROLL CALL was taken and the following members were present: Chairman Ken Loury, Councilman Tom Yeager, Mr. Roger Steele, Mr. Mark Harris, Ms. Charlotte Kelly, Mr. Jared Coursen, Mr. Peter Rathjens, Ms. Jennifer O'Malley-Dorr and Mr. Brian Bosworth. Also present were Attorney Alan Zakin, Planner Jessica Caldwell, Engineer Christopher Borinski and Secretary Patricia Craven. Excused was Mayor William J. Chegwiddden and Mr. Patrick O'Brien.

The approval of the bills was next. A Motion was made by Tom Yeager and Seconded by Jared Coursen to approve the bills that were read. YEA – 9 NAY – 0

The Minutes of the November 24, 2015 Planning Board Meeting was next. A Motion was made by Roger Steele and Seconded by Jennifer O'Malley-Dorr to approve the minutes.  
YEA -9 NAY-0

The Minutes of the December 8, 2015 Planning Board Meeting followed. A Motion was made by Jared Coursen and Seconded by Charlotte Kelly to approve the minutes.  
YEA –7 NAY – 0 ABST – 2 (Steele, O'Malley-Dorr)

The Resolution for Jersey Xtreme was read. The following changes were made after some discussion:

Page 2, Item 2 after the word taught should be the word concurrently.

Page 7, Item 2 should read "Applicant's landlord shall provide .... A Motion was made by Charlotte Kelly and Seconded by Jennifer O'Malley-Dorr to approve the resolution as corrected.  
YEA- 6 NAY -0 ABST- 3 (Steele, Yeager, Harris)

The Resolution for Mech Managers, Inc. was read. The following changes were made after some discussion:

Page 2, Third Paragraph, 1<sup>st</sup> sentence – the word special was removed.

Page 3, Item 7 – added to that should be "There will be no full kitchen and only a half bath."

Page 4, Item 1 – added to that should be "coming from the property."

Page 6, Item 6 – the word review was replace with the word approve.

Page 6, Add Item 9 "There will be no full kitchen and only a half bath in the accessory building. This building will not be residential."

A Motion was made by Peter Rathjens and Seconded by Charlotte Kelly to approve the resolution as corrected. YEA – 6 NAY – 0 ABST- 3 (Yeager, Steele, Harris)

Next under New Business was the application for Realty Associates. Attorney Wendy Berger of Cole Scotz, Hackensack, N.J. addressed the Board. She stated that applicant's property is located

at 20 Harry Shupe Blvd., Block 903, Lot 2. In 2012 they came before the Board for approval to expand the truck trailer parking area. Some of the improvements have been put in place and some have not. Tonight they are here to modify 1 condition of the prior approval.

Attorney Zakin swore in 3 of the applicants witnesses:

Chris Mueller, Sr. Manager of PepsiCo who is responsible for the activities on the site since 2005.

Ken Dykstra – Engineer, Planner and Surveyor from Dykstra Walker and who was qualified to testify as an Engineer, Planner and Surveyor for the applicant.

Raymond Mellett – senior property manager from Avis & Young representing Realty Assoc.

Ken Dykstra addressed the Board. He marked into evidence:

A-1, 1-12-16 – Sheet 3 of 11 dated Original 10-19-2015 Shaded Site Plan Layout – Phase 1.

A-2, 1-12-16 – Sheet 5 of 11 dated Revised 10-19-2015 Shaded Site Layout – Phase 2.

Mr. Dykstra handed out smaller copies of both A-1 and A-2. He testified that this property is a 16 acre lot in the mixed business zone. In 2012 they received approval with variances to expand the truck storage area from 265,000 sq. ft. to 290,000 sq. ft. They have not implemented that increase. They have installed buffering, landing areas and landscaping. They have implemented most of the conditions of the 2012 approval. For the dust control measures they put in concrete rumble strips at the access points which are cleaned out and maintained on a weekly basis. The size of the spaces was also part of the approval, 12 x 60 were required, and 11 x 55 was approved. They currently only use 172 spaces of the 198 spaces that was approved. They have not expanded the lot to the 198 spaces. Also a 20 ft. setback to the side yard was required and 13 ft. setback to the side yard was approved. This was a preexisting condition even in 2012 that was missed at the previous approval. This was not noted on the plan but was brought up by Planner Caldwell. Ms. Berger stated that at the previous approval this would have been covered by the statement “any and all required variances.” It was an existing condition and still is an existing condition.

Ken Dykstra stated that at this point they want a Phase Approval because at this point they don't need and are not adding the additional square footage. They plan on continuing with Phase I and continuing as the site exists today. They need a change to the cul-de-sac access which is controlled by a gate with no guard house. It is currently used only by the jockeys to move the trailers around on site. They need that access to be used by their employees and jockeys only to move trailers around the site. The importance is so that the jockeys can move the trailers to the 202 site without impacting the incoming tractors and trailers.

Mr. Mueller testified that they get between 200 to 400 trucks a day coming in and out. 80% of their business is from outside carriers. They come in through the guard shed entrance, drop the trailers and leave through the same entrance. Throughout the day one of their jockeys will go in through the back entrance and move these trailers. The other 20% are live drivers that go into the lot and wait and then exit and get loaded up. If they funnel 100% of their trailers through the front entrance it will create a bottle neck, which will put the congestion back onto Harry Shupe. The back gate has an arm and is operated by a fob which only the jockeys use or their employees. They have 3-4 jockeys at the most during the in season and 1 during the off season which he explained to the Board. They are requesting that their jockey drivers be able to go in

and out of the back gate and not have to go in through the main front gate. The shortest distance for them would be going in and out the back gate which Mr. Mueller pointed out on the plans. This works for them. Prior to the last approval they had used the back gate and had no problems with dust. There was a complaint from Longo about the dust. The original approval limited access to the back entrance to tractors only and not trailers which defeats the whole purpose. They are requesting approval for their jockeys to be able to pull trailers in and out of the back entrance. 8 years ago they used this method and it worked. To keep the dust down they have installed cement pads, delineators, 25 feet of paving and rumble strips at the entrances to the lot and calcium chloride applied in the summer. He explained his street sweeper program. The only accumulation, if any, they are getting is at the curb. They have a small propane street sweeper and in the summer they sweep once a day and in the winter the dust is a non-issue.

Raymond Mellett explained that they have swept Harry Shupe Blvd. twice a month from May – October and once a month during the winter months or as needed. They clean the rumble strips once a week. They also installed a speed bump, 70 yards back from the stop sign in the lot which helps with the dust as well as the paved area and rumble strips which he explained to the Board. They also hire an outside contractor to sweep Harry Shupe Blvd. and the parking lots; any paved surfaces. They sweep twice a month during the busy seasons and once a month during the off seasons. They clean the rumble strips once a week. Mr. Mellett spoke about the contract letter dated 1/12/15 with Joe Longo that was included in their application. Since they have been implementing this system for the dust control they have not had one complaint from Longo. Their small sweeper is a propane sweeper and they have had problems with it in the cold. This time of year dust is not a problem.

Mr. Mellett stated that the other problem they have is traffic flow. He spoke to Mr. Longo and he is fine with them using the rear access. Mr. Mellett stated that maybe a stripe in the road would help and a stop sign at the end of the Longo driveway, which Mr. Longo did not want.

Attorney Zakin noted for the record that when this application came before the Board representatives from Longo were in attendance and tonight they are not. Longo was noticed about the meeting.

Ms. Berger stated that during the Reorganization meeting she spoke with Chief of Police Fernandez who offered some suggestions. She marked into evidence A-3, 1-12-16 which is a photo of the fire hydrant at the cul-de-sac, taken on 1-7-16 by Ken Dykstra. It is 10 ft. from the cul-de-sac access. She stated that Chief Fernandez ask that they remove the concrete barriers around the hydrant and move the fire hydrant subject to a location by the Department of Public Works. Ms. Berger stated that they would do this and if required by the DPW but up bollards around it. There is also a stop sign in the street that is bolted to a sign and a stop bar in the street that must be removed. Ms. Berger is agreeable to removing both the sign and stop bar. They will add a stop sign and stop bar at the access points of the cul-de-sac. Chief Fernandez does not want a speed bump in the road. Mr. Dykstra stated that there is a double yellow line down Harry Shupe Blvd.

Chief Anthony Fernandez, Chief of Police, Borough of Wharton was sworn in at this time. He addressed the Board. He stated that the Longo driveway needs a stop sign and a stop bar. The

applicant also need a stop sign and stop bar, but they also have a gate. It makes sense to him from a traffic standpoint that the transfer of trailer be done using the rear access by the cul-de-sac rather than the main entrance. That would help eliminate the trucks backing up along Harry Shupe Blvd. onto Main Street. He stated that Longo does not need a stop sign at the end of their driveway, they are supposed to stop anyway when they are entering onto Harry Shupe Blvd. Ms. Berger stated that they would even pay for the Longo stop sign. The Chief agreed to reach out to Mr. Longo to recommend that they put a stop sign at the end of their driveway. They have to stop whether or not there is a stop sign. The Chief was fine with the line in the road.

Chris Mueller explained about the tenant and product. They are PepsiCo which has several divisions. They own Quaker Oats, Frito Lay, Gatorade and Tropicana. Whitlock has been producing 20 and 32 oz. Gatorade for them. They also produce the shelf life Tropicana, Solbies, Propel and anything Gatorade associated. It is a very clean product and they are a world class operation. They have been there 10 years and their current lease was up January 1<sup>st</sup> of this year. They want to extend for another 7 years but their corporate headquarters will not renew unless the cul-de-sac issue is resolved. The contingency with their lease is based on tonight's decision. They love being in Wharton and want to be good neighbors and stay, but can't leave this issue unresolved if they are to stay.

Wendy Berger stated that Phase II was a full build out to allow for more trucks in the future. Right now they don't need that and don't know if they will in the future. They don't want to abandon that approval in case they do need it. Ken Dykstra explained the Phase II plan stating that there is plenty of room for truck to go in and out and to be able to maneuver.

The letter from the Borough Housing and Zoning Officer, Pedro Moreno stated that he does not feel that the back entrance can handle 2 way traffic. Mr. Mueller explained that the 2 way traffic would be for their jockeys only. It is unlikely that one would be going out when another is coming in. His jockeys know enough to wait while the other passes. Their main focus is safety. 80% of the jockeys have been with them for 3-4 years. What they spray on the roads is calcium chloride which is salt and is done basically in the summer to keep dust and dirt down.

Ms. Berger stated that they are continuing the conditional use variance that was previously granted along with the one variance that was not identified at that meeting. Ken Dyksta stated that there is no negative impact.

Roger Steele stated that he remembers they had come before the Board in 2012 and the testimony from the Longo employee about the dust and trucks. That was the reason they put the conditions on about the back gate. Has all of their changes helped? Mr. Mellett stated that the larger stones and the calcium have been working on keeping the dust down. Mr. Steele pointed out that Mr. Moreno's letter states that the sweeping isn't being done daily and the catch basins are full with dirt, stone and debris. Ms. Berger stated that her clients are operating just as they stated and that other than this week their small sweeper has been working. They don't know about the catch basins but the things they have implemented since last year have made a significant difference in the dirt. Mr. Mellett stated that as soon as they found out that the smaller sweeper was broken they implemented the larger one. Mr. Mueller stated that there was no intent on renegeing on their contract.

Planner Caldwell asked about the stacking. Mr. Mueller stated that when they talk about stacking what they are doing is intentionally blocking one of their empty trailers. This is temporary only. Planner Caldwell stated that because of this there might be more than 172 trailers on the site at one time and she would like to see this in the resolution as part of the approval. Ms. Berger agreed. Ken Dykstra stated that the ordinance doesn't have a limit on trailers in the lot.

Mr. Mueller stated that they have no intention to go to Phase II at this time.

Chief Fernandez stated that from their perspective it will be worse if they can't use the rear entrance. He stated that over the years there were times when the trucks were backed up onto Main Street and they would have to make them move off of the site.

Peter Rathjens stated that he lives within a thousand feet of this site and in the summer time they are awake most of the night because of the beeping all night from the jockeys backing up. Mr. Mueller stated that he would look into other options and was agreeable to researching less noisy alternatives for nighttime operations that would meet applicable regulations.

Ken Dykstra stated that the rear gate is for the jockeys only and can only be opened with a fob. Ms. Berger stated that all truck drivers must enter and exit through the guard shack and must show paperwork and license. Mr. Mueller stated that they have 3-4 jockey's per shift max.

Engineer Christopher Borinski stated that there were some comments in his report about the storm water management and phase II. The storm water will require a storm water maintenance manual. Ken Dykstra stated that at this time they are not going to file for a soil and sediment control approval at this time but they can address his drainage comments. Ms. Berger is fine with a condition of approval being that the engineer is to approve the storm water management plan before Phase II is completed.

The meeting was opened and then closed to the public.

Chief Fernandez asked that the catch basins be looked at. Attorney Zakin stated that they will make a condition that the catch basins on Harry Shupe Blvd. be looked at by the proper Borough officials and also a plan for the catch basins to be cleaned out and maintained be approved by the Borough professionals. Wendy Berger agreed to work with them on that problem.

Attorney Zakin went over the variances and conditions.

Modifying the Resolution for the site.

New site plan revision that includes 3 – D-3 conditional use variances

One of the changes involves the Security check point – no check point at the second driveway

Second driveway exit and enter for jockey and trailers by employees only and by use of fobs

Maximum of 4 jockeys per shift

Stacked spaces (one in front of the other) allowed

Spaces 11 x 55

Maximum area 290,000 sq. ft.

Bulk Variance – side and rear set back.

Conditions:

Move fire hydrant and puts appropriate Ballards per instruction from the Borough DPW Signage and Stripping in the cul-de-sac area and the Longo property- to be approved by the Police Chief – applicant will pay for signage and stripping

Applicant to mandate to their employees to stop when entering Harry Shupe Blvd.

Chief of Police to contact Mr. Longo to recommend a stop sign and stop bar at their access to Harry Shupe Blvd. and to be paid for by the applicant.

Look into the noise complaint – beeping by the jockeys

Borough Engineer will approve any storm water management plan for Phase II

Plan for cleaning and maintenance of the catch basins be approved by appropriate Borough professionals.

A sweeper will sweep the streets before 6:30 am daily from April 1<sup>st</sup> to November 30<sup>th</sup> and once a week from December 1<sup>st</sup> to March 31<sup>st</sup>.

A Motion was made by Mark Harris and Seconded by Jared Coursen to approve the application with the variances and conditions that were discussed. YEA – 9 NAY – 0

A Motion was made by Tom Yeager and Seconded by Charlotte Kelly to adjourn.  
YEA – 9 NAY – 0

Meeting adjourned 9:40 P.M.

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Patricia M. Craven – Secretary

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Ken Loury - Chairman