

WHARTON PLANNING BOARD
REGULARLY SCHEDULED MEETING
March 12, 2019

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 as well as the Judicial Proceeding Statement.

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

The Pledge Allegiance to the Flag was next.

The reading of the bills was next. A Motion was made by Charlotte Kelly and Seconded by Christopher Fleischman to approve the bills as read. YEA – 6 NAY – 0

The Minutes of the January 8, 2019 Planning Board Meeting was next. A Motion was made by Roger Steele and Seconded by Peter Rathjens to approve the Minutes.
YEA -5 NAY- 0 ABST – 1 (Harris)

The Resolution for escrow refund for Burdon and escrow and application fee refund for PMG was read. A Motion was made by Charlotte Kelly and Seconded by Roger Steele to approve the resolution as read. YEA – 6 NAY – 0

Next, under New Business was the Update on Wharton Industrial by Engineer Christophe Borinski. He stated that they are continuing to work on Buildings E & F. They will resume the rock crushing as soon as they can get a contractor to do that or they will try and do it themselves. The west wall has been dismantled and moved to the staging area by Building G. Some have been broken up and some still need to be broken up. Morris County Soil sent a letter about the west wall area. They stated that there is some erosion and they need a silt fence. CCKK has addressed both of these issues. They are continuing to work with JCP&L to raise the wires so that they can reopen the west driveway. Alan Zakin asked Chris to reach out to CCKK and see if he can get a target date on both the crushing of the rocks and the raising of the wire. Chris stated that he is hoping to get an answer this week on both. He also stated that he has received a revised plan for the conservation easement.

Next, on the agenda was the continuation of Equinet LLC. Attorney Zakin stated that this is a bifurcated application and they are applying for a use variance and bulk variances. Attorney for the applicant, John Wyciskala addressed the Board and gave a recap of the application. He stated that they were before the Board on December 11, 2018 and they heard the testimony from their Engineer, Architect and Traffic Consultant. There were questions and concerns from the Board and public about height of the buildings, density, parking, drainage, head lights shining,

dumpster location, lighting, traffic concerns, fire safety and fire codes. They agreed to address all the concerns and asked that the application be carried to the January 8th, 2019 meeting. Their traffic consultant did some actual counts and field observation and presented a report in January. His client decided to eliminate one floor of Building 2 which eliminated 8 units and reduced the unit count to 74 and the height of the building from 58 ft to 45 ft which is within 10 ft of the required 35 ft allowed in the RM75 zone. The architect incorporated design changes to address comments by the Borough Planner relative to the architecture, materials and overall look of the buildings. They also incorporated screening to the parking level particularly on Building 2. They are proposing an 8 ft. fence to eliminate the lights shining onto the adjacent residential properties. They have relocated the dumpsters and increased the parking.

They also looked at fire safety. There were no comments from the Fire Dept at the last meeting. They reached out to the Fire Dept. Mr. Reimer spoke to Chief Dorr the 1st week of January to discuss the changes. Chief Dorr would discuss this with his committee. Mr. Reimers wanted to meet with the Chief and his committee but Mr. Dorr did not feel it was necessary. They received a report from the Fire Chief on 1/8/19 which was the date of the January Planning Board Meeting. In light of that report they asked to carry the Planning Board meeting to February 12th in order to be able to go over the concerns in that report. They were hoping to get together with the Fire Dept. He made a number of attempts to meet with the Chief. Mr. Wyciskala sent a letter to the Planning Board outlining his efforts to schedule a meeting. He wanted to do that before they printed new plans. In the mean time they hired their own Fire Safety Expert Mr. Naylis who is a career fire fighter, fire inspector and expert fire safety consultant. Mr. Wyciskala listed Mr. Naylis' qualifications. They did not get a meeting with the Fire Dept. Attorney Zakin stated that they did go above and beyond to try and get a meeting with the Fire Dept. Mr. Wyciskala stated that they did not have a meeting on February 12th because of a snowstorm and it was carried to March 12. They have submitted revised plans for Building 2. They have received 2 memos, dated 2/18/19 and 3/12/19 from our Fire Chief and some articles.

Chairman Ken Loury stated that Chief Kyle Dorr was asked at the last minute to be here tonight but has to leave by 8pm. He asked if they could do any fire issues first so that our Fire Chief would be here to address any concerns or questions.

Fire Safety expert Mr. Gerard Naylis of 21 S. Taylor St. Bergenfield, N.J. was sworn in and qualified as an expert witness in fire safety. All of their other witnesses for tonight were sworn in at our last meeting. Mr. Naylis stated that he looked at the building from a fire protection point of view particularly to advise the developer if it meets code and what could be done to make the building even more safe. He recommended that they put in a full 13 sprinkler system. Instead of the 13R that is per code. The full 13 system provides better protection and coverage. They also agreed to put stand pipes in the stair towers which allows fire fighter not to have to drag hoses in from outside they can attach to pipes that are already in the staircase. All the interior doors will have automatic self-closers. They will also have dry sprinkler systems in the underground parking garage. A dry system does not freeze up. There will be screening put into the underground parking that will screen the headlights. This screen will still allow ventilation for smoke from a fire. The 2 stair towers can be used to evacuate residence and for firefighter to access the fire. They will have 3 points at which the firefighter can attack the fire – main

driveway entrance and the 2 stairwells. They softened two of the bends in the parking lot so that the fire equipment can access the area and by doing so they had to eliminate 2 parking spots. He stated that for over 2 decades buildings no longer have outside fire escapes. From a design point of view, they are the most dangerous way to evacuate people. It is much safer to use the stair towers which are 2-hour rated stair towers. He explained the difference between a 13 R sprinkler system and a full 13 sprinkler system. A 13 R system is designed strictly and totally for occupant evacuation and gives you about a 10-minute window of opportunity to get out of the building. Buildings with a full 13 system do not burn to the ground. Data has shown that 100% of fires with 5 heads or less are knocked down. You still need the fire dept to come in. but it makes the environment much safer. With a 13R system all areas do not have to be sprinklered such as bathrooms, attics, etc., but with a full 13 system all areas are sprinklered. He stated that as far as collapse problems those structures were not sprinklered. The likely hood of collapse on a fully sprinklered building is dominimus. These buildings were designed with no attic spaces. They also incorporated in the roof design access panels for the fire department to access the roof area. What is incorporated into the design of the building exceeds what the code requirements are. He is not concerned with access or the fire trucks being able to get there. The sprinklers are going to work and they are probably the most reliable mechanical devise that has ever been invented. He also stated that when you have 2 staircases, you would designate the use of one for evacuation and one for the firefighter to access the building. He recommended to the applicant that they develop an evacuation plan and share that with the fire department. He stated that the fire doors are automatic and can be pushed open, they do not lock. They will have a dry sprinkler system in the garages as well as fire separation between the garage and first floor. It is a 2 hours separation.

Roger Steele stated that most fires start in the kitchens and in these apartments, you exit through the kitchen areas so the only exit, if there were a fire, would be the balcony. Since there is no access to the rear of the buildings there would be no one there to help tenants get out. Mr. Naylis stated that once the sprinkler system activates the physical fire is gone. He stated that people make decisions by what they are taught and if you practice an evacuation plan, they are more likely to take the right course of action. He suggested that when new tenants move in, they are given an evacuation plan and it also be an annual event to practice with the tenants. Many of the Board members did not have much faith in that being an ongoing thing. Mr. Naylis did not feel that not having access to the rear of the building was a problem. He believes that people outside of the fire area are going to be safe. He has seen people survive fires by staying on the balcony. He stated that taking someone off of a balcony is one of the most dangerous fire service operations. Mr. Steele stated that they wouldn't take someone off of the balcony if it wasn't necessary, and if it was necessary, they would have no access. Mr. Naylis does not foresee that happening. Mr. Steeles concern is the safety of the 2 buildings and the fire department. He also has some of the same concerns the fire department expressed in their letter.

Fire Chief Kyle Dorr stated that Mr. Naylis is very knowledgeable. His information, for the most part, is correct when it comes to building buildings to code. There are currently several buildings in town that all have emergency evacuation plans. Nobody follows them, nobody is trained in them so it brings up concerns. 13 years ago, he had to do a balcony rescue and it was challenging. He doesn't have many disagreements with Mr. Naylis testimony. The sprinklers are great. The access to the roof is a great change as well as the change in the island in front of the building. He still has concerns with having no access to the rears of both buildings. Building #2

has no access and Building #1 has 18 feet. A problem they find with fires at these buildings is dealing with the traffic of the tenants getting in their cars and trying to leave the property. They also have a concern with parking. They know the overflow of cars will be on the street and will they be able to get their apparatus through. The sprinkler system is the best. He agrees it will knock the fire down greatly but he doesn't feel it will put all fires out. They don't know what the fire load is in any one rental unit over a period of time. He has been in apartments here in town where you are walking through a 2 ft. path. There is no way to predict if this will happen but he can guarantee it will happen eventually in one of the units. As far as the stairwell, they can tell the tenants to use a certain stairwell, but that doesn't always work. At the senior building in town they find residents in the fire department designated stairwells all the time. It ties up their resources getting those residents down and out of the building. You can't predict what will happen. Mr. Harris asked if he had any recommendations for the applicant. Mr. Dorr stated that they can move the building. There is not enough room in the back of the buildings to put a ground ladder plus the height would be cumbersome with their biggest ground ladder being 45 foot. They are looking at the safety of the citizens and their firefighters. He feels they have a safe building but there are aspects of the building that are not safe.

Mr. Steele stated that, from what he is hearing there are 2 things that cannot be remedied – access around the building, parking and vehicle access in and out and what a mess that is going to be. There is one road in and out which is not very wide.

Chief Dorr stated that even with the changes, access is still their biggest concern. He doesn't foresee the buildings collapsing but again you can never determine the fire load. The problem is that you have to be able to get to the building to do anything and that is their concern. He also stated that they still have not received any information on whether or not the proposed hydrant is on a different water supply. If its on the same water supply as Kossuth and Orchard it is useless. There is no hydrant proposed on their property so they would then have to pull from the Borough hydrant and get hooked up to the stand pipes in the stairwells.

Mr. Wyciskala stated that this is a variance application and the site plan application would address the water and sewer. Chairman Loury stated that water source is something they would need to contemplate as part of this variance application decision. Mr. Naylis stated that if the project does not have adequate water supply, they will not get a building permit.

Charlotte Kelly asked about fire walls in the other apartment buildings in town and should they be included in these 2 buildings. Chief Dorr stated that the other apartments in town have full fire walls from ground to the roof and at the time when they were built it was a different code. He stated that sprinklers are more than sufficient and are above the code.

Planner Caldwell stated that the water pressure is an issue. Chief Dorr stated that there is only 1 hydrant in that area at the corner of Kossuth and Orchard. If they put another hydrant on the property and run it off that hydrant, it's one water supply. Having ample water is a must.

Engineer Borinski stated that with Kossuth being a dead end he is assuming it is a dead-end line. All the properties around that area are all private properties so the main doesn't connect through

those properties. It's just a dead end main on Kossuth. What size pipe it is he doesn't know but can check.

Peter Rathjens asked if any type of fire, such as a grease fire, can be put out with sprinklers. Chief Dorr stated that it's not recommended but it will suppress the fire. Mr. Naylis agreed.

Planner Caldwell asked what the minimum width around a building is that they would look for. Chief Dorr stated that with 18 feet they can operate their aerial in a straight line. 36 feet is optimal. 18 feet is tight on Building #1 and no access on Building #2

The meeting was open to the public.

Linda Bencivenga, 39-41 Fern Ave. – they live directly behind Building #2. She has 2 propane tanks for her pool, in her back yard which is about 10 ft from her fence. She is concerned, if the fire jumps her fence and reaches the tanks, the fire department cannot get access behind Building #2 to get to the fire. Chief Dorr is not saying it couldn't happen, but the fire would have to be very intense for the propane tanks to blow. Mr. Naylis stated that fire burns up and out, there is radiant heat coming off but it would take so long for the tanks to absorb any heat. Once they get to a point where there is too much pressure the gas will vent out. Chief Dorr stated that they could not get to Building #2 through her property on Fern Ave.

Mr. Wyciskala stated that they are certainly willing to sit down and go over all the options Mr. Dorr stated that when they were discussing meetings with the applicant, he had other things come up, referring to his arm and recent surgery. The Board was understanding of his circumstances and thanked him for attending tonight's meeting.

Engineer Mark Gimigliano addressed the Board. He had previously been sworn in. He presented Exhibit A-8 -3/12/19 which is a conceptual revised site plan, revised with a letter dated 2/28/19. This revision addresses comments from our last meeting. They have changed the height of the building as well as the # of units. The roof line of Building #1 was 50 and is now down to 47 ft. On Building #2 it was 58.1 and now will be 44.9 ft. They have removed the top floor of Building #2. They had proposed 82 units and now are down to 74 units. The parking required is 138 and they are proposing 124 with 9 sets of tandem spaces. It will be 1 parking space assigned to each unit. The 9 tandem space will also be assigned. 1 unit owner will have 2 tandem spaces. That would be 83 assigned spaces and 37 visitor spaces. They opened up some of the curb islands at the entrance of building #1 to make it easier to maneuver. They also moved the dumpster to the north side of the property near the industrial development, which he pointed out on the plans. They added an 8 ft high decorative privacy fence that wraps around the property starting at Kossuth St. and ends at Orchard St. It will screen the development completely.

Mr. Gimigliano addressed the concerns of the building heights, especially Building #2 and the concern of them towering over the residential homes in the area. He stated that most of the homes on Fern Ave are 2 story homes. He also stated that Fern Ave. is about 10 ft. higher in elevation than their proposed parking lot will be. By removing a story from the Building #2 and lowering the roof height their building will only be about 1 story higher than most of the homes on Fern Ave. The roof of the homes directly behind Building #2 will be within 10 ft. height of

the roof of Building #2 and will be 70 to 90 feet away from any home in that area. The building will not be towering over the homes. The homes on Orchard are at the same level as their building so the building will be about 2 stories higher than the homes on Orchard Street. Chairman Loury stated that they would be towering over the homes on Orchard Street. Mr. Gimigliano stated that those homes are about 90 feet away from the building.

At the last meeting there was a homeowner on Orchard Street that stated that when it rains the parking lot floods their back yard. He checked the parking lot and noticed that the drains in the parking lot are elevated so little water gets in the drains. Any water that gets into the drains goes into an infiltration system which keeps the water on site. He stated that now most of the water stays on site and they will be able to correct that problem with their proposed drainage system and will be an improvement to the drainage system to the entire property.

Mr. Gimigliano stated that the solid fence will take care of any of the headlight from the parking lot shining on neighboring houses. Also, there will be no spillover onto adjacent properties from any light poles on the property.

As far as street parking the applicant asked Mr. Gimigliano to offer a solution of putting signs on Orchard Street that would say - "No Parking for Irondale Commons Residence." They would also make arrangements with a local towing company so that the neighbors can call and have the cars towed. Chairman Loury asked if that was legal since that is a public street. Some Board members were not happy with that idea. Mr. Wyciskala stated that they do not think there will be a problem with parking on the street but this is something they can offer.

Mr. Gimigliano explained how they can access and empty the dumpster. He also explained why they are proposing an 8 ft. fence. An 8ft. fence was approved for Port Oram Village. It provides more screening for the residence and would require a variance. Chairman Loury stated that Port Oram Village only has the fence on the back side, it doesn't go around the entire complex. Eight foot is a lot and let's see what the neighbors think about an 8 ft. fence. Mr. Gimigliano stated that a 6 ft fence will also block the headlights.

Mr. Steele asked about the tandem spots. If you are assigned a tandem spot would you not get a spot underneath the building. Mr. Gimigliano stated yes, that was correct. More discussion followed about parking and charging for parking – Mr. Reimers stated that everyone will be assigned a parking spot and it is not their intention to charge for parking spaces. They believe, based on all the studies, that there are enough parking spaces.

Chairman Loury asked about changes to the curb coming out from behind Building #1 and the L shaped curb hasn't changed. Will they be able to get the fire department hook and ladder around the building? Mr. Gimigliano stated that it does not meet their radius requirement. They could not change it and he doesn't think the hook and ladder would be able to get through that area to access the back of the building. Building #1 is 4 stories with underground parking.

Secretary Craven asked about the number of spaces they have now. She stated that it was mentioned earlier that they had softened the bends by removed some parking spaces. Mr. Gimigliano stated that they have 124 parking spaces and pointed out on the plans that they had

moved some spaces around and added another tandem space. The tandem spaces are the same width as the regular spaces. The tandem spaces have worked at other facilities as long as they are both used by the same unit occupants. They are similar to a driveway. There will be signage at the front of the spaces. Mr. Wyciskala stated that this is becoming more and more common.

Engineer Borinski stated that they have 124 spaces and have increased the tandem spaces.

The meeting was now open to the public.

Jan Parsells of 10 Orchard St asked, for the 124 parking spaces how many units should that accommodate. Mr. Gimigliano didn't have the count. Mr. Wyciskala stated that our traffic consultant can address that. Ms. Parsells was concerned about the trees along their Orchard Street properties. Are they going to be cut down, right now they do and will provide privacy and very nice beautiful screening behind their homes from the 5 story building they are proposing. The trees are 30 to 40 ft tall oak trees that would easily block a lot of the balconies that are overlooking their backyards. She would like them to reconsider, it would be 5 to 6 parking spaces that would be lost if they keep the trees. Ms. Parsells pointed out these trees to the Board.

Paula Biseglia of 2-4 Orchard Street stated that when they wanted to have a tree cut down years ago the town would not let them. How is this applicant able to cut down trees? Mr. Wyciskala stated that they will have to comply with the Borough codes on tree removal. Mr. Gimigliano stated that the footprint of the parking in that area did not change because of the change in the parking spaces but the impervious coverage did change by a few square feet but they are still at 81%. 40% is required. Currently it is at 70%.

Mark Harris asked about plantings in that area. Mr. Gimigliano stated that they may be able to, they will take a look at that. They did not have a count of how many trees they will be taking down, it will be the trees along the perimeter of the site. They will keep as many as they can.

Linda Bencivenga of 39-41 Fern Ave asked if they did a geological test on the property. Do they have to dig to bedrock for the buildings? She is concerned with all the digging and hammering, especially on Building #2, that it may damage her inground pool, concrete wall and or her foundation. She has no cracks in her pool, wall or her foundation at this time. Mr. Reimers stated that they did testing for soil and pollution and have had a structural engineer look at the samples. They are confident in what they found. They will not be digging to bedrock. Mr. Wyciskala stated that their geological information will have to be submitted to the Borough and viewed by their professionals. Mr. Harris suggested that a bond could be put up by the applicant. Ms. Bencivenga also questioned the distance between the building in reference to the code about the distance cannot be more than the height of the building. Mr. Gimigliano stated that the distance between the buildings is about 90 ft. A variance is not needed. She also was concerned about all the dump trucks entering and exiting during construction, all the noise, dirt and fumes. She stated that with the construction of Port Oram there were 10 dump trucks lined up on Kossuth, all running, wait their turn. Mr. Wyciskala stated that they usually deal with this type of issues during the site plan. He stated that they will have exports, which would be dump trucks removing soil from the site. They will coordinate all that during the pre-construction meetings

with the Borough. Chairman Loury stated that they will certainly discuss that and put restriction on that during their site plan application.

Ms. Parsells asked about the sewer lines. Mr. Gimigliano stated that they would connect to the sewer lines in the street and would have no impact on the sewer lines on Orchard.

Rick Bencivenga of 39-41 Fern Ave. stated that there are about 5 – 15, 50 ft trees along the property line behind his property. Are they going to be taking all those trees down? Mr. Gimigliano stated that they will be removing the trees closest to the building and will save any trees that they can. Mr. Wyciskala stated that, at the time of site plan they will have a tree removal plan as well as a landscaping plan.

Attorney Zakin reminded the Board that even though this is a bifurcated application and we do not have a full site plan the Board want to make sure they have enough information to be able to make a decision looking at the positive criteria that promotes the general welfare and furthers the municipal land use law. They also have to make sure the variance can be granted without substantial detriment to the public good. You want to make sure you have enough information to make your decision.

Planner Caldwell also stated that the applicant has to show special reasons why the variances should be granted. That testimony will come later but there is also the negative criteria, which is no substantial detriment to the public good, which is a lot of what we are talking about tonight and why we are digging a little deeper into some of these issues. She feels the Board is obligate to ask for what they need in order to make a good decision. Mr. Wyciskala stated that they do not disagree.

If the application is approved and the site is sold and there are changes to the plan Attorney Zakin stated that they would have to come back before the Board. The Site plan has to conform with the variances that were approved.

Linda Bencivenga ask how many parking spaces are underneath Building #2. Mr. Gimigliano stated that there are 15 space. Ms. Bencivenga asked if there was room on the site for those 15 spaces rather than have them underneath the building. Mr. Gimigliano stated there is not. Mr. Steele stated that they have maxed out the parking and are still under the required amount of spaces. They are asking for a variance for parking. Chairman Loury stated that 138 spaces are required and they are only proposing 124 so they are 14 short already. Ms. Bencivenga stated it is a small piece of property for that large of a building.

Elizabeth Dolan was the next witness to testify and has previously been sworn in. She did a traffic study with new revisions that are based upon the original number of units not the reduced amount of 74 units. That would reduce the trip generation by about 4 or 5 trips per peak hour. At the last meeting she had provided trip generation estimates for 82 apartments and a fully functioning restaurant and 21 rental units. She concluded that the volume of traffic didn't warrant a full traffic analysis. Her revised report is date 12/31/18 and was before the reduction in units. Estimates are based on 40 morning and 40 afternoon peak hour trips for their proposed units. They performed traffic counts at the Main Street intersections with Kossuth and Fern Ave

on Thursday December 13, 2018 from 7 am to 9 am and Tuesday, December 18, 2018 from 3 pm to 6 pm. The afternoon time captured the school traffic. The purpose of a traffic impact analysis is to identify the busiest hours of traffic and then combine them with the projected driveway volumes for the proposed use. She identified the morning peak hours as 7:45 to 8:45, afternoon peak from 3 to 4 and evening peak hours from 4:45 to 5:45. On occasion the south bound Main Street would back up a little bit because there is a heavy left turn volume going down Fern Ave. They found light left turn traffic coming off of Kossuth and Fern onto Main St. They did not see any significant delay, problem or movements off of these side streets onto Main St. The heaviest delay was the left turn onto Fern. They also counted the Lovenburg's Gas Station traffic at the intersection of Kossuth and Main St. They found 31 vehicles entering and exiting at the morning peak hours and the afternoon and evening had about 20 cars entering and exiting. The vehicles were able to enter and exit without delay. Ms. Dolan went on to explain how she came up with the Table III levels of service and delay for Main Street and Kossuth Street and then explained the findings. The morning peak hours are 7:45 – 8:45, afternoon peak hours are from 3 – 4:00 pm and evening peak hours are from 4:45 – 5:45. While it is certainly perceived at times that it is difficult to get out of these intersections, having been there watching, monitoring and counting and then analyzing they found that there will be no changes in level of service. There will be a modest increase in delay with the addition of site generated traffic. They found that there is ample capacity on the adjacent roadway system to accommodate traffic associated with Port Oram and Irondale Commons.

Ms. Dolan stated that they are short 14 parking spaces on site which would equate to about 7 units depending on the number of bedrooms mix. RSIS requires 1.8 parking spaces for 1 bedroom, 2.0 for 2 bedroom and 2.1 for 3 bedrooms. Their requirement is for 138 spaces, but as the Engineer stated, RSIS includes in those ratios a visitor supply of .5 spaces for unit. The supplies that are required are inclusive of the visitor demand. For the 74 units proposed they have gone to 9 tandem spaces so for 9 units they have 2 spaces. For the remaining 65 units they have 1.6 spaces per unit. Compared to information published by the Institute of Transportation issued in their new manual they show 1.3 per units if no near a rail station and rates per bedroom of 80 space for 98 bedrooms. The new study shows the trend in parking spaces is going down. The younger generation is not interested in using cars, they are using Uber and Lift. The 1.6 spaces per unit is in line with the new studies.

Chairman Loury asked if the tandem spots will be restricted to 2- or 3-bedroom units. Ms. Dolan said probably 2 or 3 bedrooms – she thought earlier testimony was that it would be based on the tenants needs. She wouldn't think they would be for the 1-bedroom units. They have to be assigned to one unit. They will assign 1 spaces for each unit and then there will be 40 unassigned spaces that are first come first served including guests. Ms. Dolan did include in her report the traffic coming out of Port Oram. She explained Tables 1 and 2 trip generation on page 2 of her report. Chairman Loury stated that it would be a little less than 1 a minute. Ms. Dolan stated that the peak hours of the restaurant would be different than the peak hours of the residents. She did put in her original report the traffic generated by the restaurant. Ms. Dolan also explained the level of service criteria. On average every car will sit at Main Street and wait 20 seconds before they pull onto Main Street. Ms. Dolan stated that the slope up to Main Street on Kossuth Street and the site distance of the bend by Pine Street do not go into her calculations. They are things to consider along with the calculations. Chairman Loury stated that there is going to be an increase

in volume of about 50, not crazy numbers to them but how is it not a negative impact to the residents. Ms. Dolan stated that looking at Table III it will take on average 13.3 seconds to get out onto Main Street and when you add site traffic it will take 14 seconds. Mr. Harris asked how, if you double the traffic coming out, can it only take a second more to get out onto Main Street. Ms. Dolan stated it depends on the number of right and left turns and the majority are more right turns which do not take as long to make.

Roger Steele since there isn't enough parking on site what is the likelihood and availability of on street parking on Kossuth, Orchard and Washington Streets. His concern is the safety of the residents and the difficulty the fire department will have if cars are parked on these streets as well as tenants exiting the site in their vehicles if there are cars parked along these streets. Ms. Dolan did not do any parking accumulation studies or identify any parking that might be available to the tenants because they are trying to provide parking on site. She believes they have a sufficient parking supply on site. Kossuth is 24 ft wide and by today's standards there should only be allowed parking on 1 side of the street to allow for 2-way traffic flow. She stated that the other might be a management and marketing issue. If a tenant has 2 vehicles and want to be guaranteed 2 spaces and cannot get a tandem space this might not be the right location for them and take a chance of having to park on the narrow streets. The 1.6 parking per unit is in line with the going ratio for other developments. She doesn't think that these residents are going to have to rely on street parking. Mr. Steele stated that parking is an issue in this town and there are no parking lots in this area so any overflow will park on the streets. The parking variance concerns him more than the inconvenience of the tenants. Ms. Dolan feels they have adequate parking on site.

Chairman Loury asked about snow removal. Mr. Gimigliano stated that there are some areas on site to put the snow and if needed they will remove the snow off site. Attorney Wyciskala was fine with making this a condition of approval.

Peter Rathjens commented on the parking on Kossuth. He stated that when you come out of the gas station and make a right on Kossuth you have to go into the other lane to get around the cars parked on Kossuth. Ms. Dolan stated that based on the width of that street RSIS would tell you that you couldn't have parking on both sides.

Chairman Loury asked the secretary, on behalf of the Planning Board, to send a letter to the Mayor and Council to recommend looking at parking and circulation on these streets.

Planner Caldwell ask if there is any data on parking as far as charging for parking or not. If they are going to be charged for parking the tenants might choose to park on the street. Ms. Dolan has not seen any data on this. As far as the calculations for guest parking with the reduced figures, it is the total demand that's been counted and backed into the ratio per unit and now per bedroom. They are national studies but they do include sites in N.J. Ms. Dolan was asked about the circulation on site and is it adequate with only 1 ingress and egress. There is technically 2 that are coming out to the same place but she feels there is appropriate circulation to get the vehicles around the site and in and out of the parking spaces. She pointed out the 2 means of egress and ingress on the plans. She will leave the adequacy of the fire apparatus to the fire officials. She

stated that the underground parking spaces would be better in bad weather and or when you are bringing in groceries vs the outside spaces.

Engineer Borinski agreed that the traffic analysis was performed correctly in accordance with the acceptable guidelines. It does show an increase in traffic but the increase is within the acceptable guidelines for a residential street. Even though the restaurant traffic was not factored into the calculations, if it was a viable operation it could be a lot more traffic than what is there now. As far as parking will the tenants be notified in advance as to how many spots they get.

Attorney Wyciskala stated that they would and it would be in their lease. Mr. Reimer stated that the visitor spots will be opened and marked. Out of the 41 extra spots they will probably mark 30 to the visitors and someone that has 2 cars can get another space. There might be people without cars who they can give a reduction on their rent and their spot can be given to someone who wants 2 spots. The 3 bedrooms are to satisfy COA and COA only requires 1 space per unit per the new ITE standards. The same for the 2-bedroom COA units. They will guarantee that every unit gets 1 parking space. Mr. Reimers stated that they manage their other properties the same way. In their Morristown locations they have no problems with parking they actually have more than enough and end up renting 10 spaces to the public. They are not within walking distance of the Morristown train station. They do not feel that the 14 spaces they are short on this site will not result in 14 vehicles parked on the streets.

The meeting was now open to the public.

Joe Babus of Washington Street stated that he felt there was going to be an overflow of traffic onto Washington St. and Kossuth St. and wondered if they could limit parking to one side. Chairman Loury stated that the Board was recommending to the Mayor and Council that they look into that.

Jennifer Parsells of Orchard Street asked what dates the traffic studies were done - December 13 and December 18. School was in session on those days.

Linda Bencivenga stated that the hours of 3-4 pm is when the Juicy Juice factory has their shift change. Chairman Loury stated that any traffic coming out of there turning left would have been captured in the traffic study not the traffic turning right. Ms. Dolan agreed.

Mr. Babus asked about the new road that would cut over to Dewey Ave. that they have been talking about for some time, when is that going through. Chairman Loury stated that Mayor Chegwiddden has said that it is going to happen, it has been approved. Attorney Zakin suggested that they might want to attend the Freeholders meeting this Thursday and ask them about the road. They control the county roads.

Ken Fox of Fox Architects was next and is still under oath from our last meeting. He presented Exhibit A-9 Building 2 elevation – front and rear – Revised
Exhibit A-10 Building 2 elevation – Right and Left side – Revised.

Previously they had 2 buildings with 82 units and the revised plans are for 74 units, 51 in Building 1 and 23 in Building 2. They have eliminated an entire story from Building 2.

They also lowered the roof of Building 2 to 8 ft. which will shield the AC units on the roof of the building. It lowered the height of Building 2 from 58.1 ft to 44.9 ft. Building 1 they also lowered the roof by 3 ft. which lowers the height of Building 1 from 50.5 ft to 47 ft. They also added some gable areas over the balconies, changed the colors, added stones to the base and louvers and vents to close up the parking areas, in reference to some comments by the Borough Planner at the last meeting. In reference to fire safety the buildings are metal construction not wood. They are adding fire separation between every unit and every floor in addition to the fire separation in the stair wells. They added the breaks in the roof at each end of the building for ladder access for the fire department. They also have access in the stair wells to the roof. The stairwells are also an area of refuge for the tenants. The balconies are still facing Fern Ave. They are 6 x 10 which would hold 2 chairs and a cocktail table.

Planner Caldwell asked with the lower roof line are they confident that everything will be screened. The 8 ft is for the aesthetics of the building.

The meeting was open to the public.

Linda Bencivenga asked about the AC units on the roof. Mr. Fox stated that they will have the AC compressors on the roof which will be shielded from view. Each unit will have their own vent units.

Mr. Steele asked about the noise from the compressors. Mr. Fox stated that with the 8 ft walls surrounding them the noise will go up. They will not be over the noise ordinance decipals. They are not putting in commercial size units they are residential units.

Mr. Harris was concerned also with the noise from the AC compressors. Mr. Fox stated that they may be able to tilt the 8 ft walls in so that the noise is downward.

The Board will make it a condition that the AC compressors comply with the noise ordinance.

Ms. Bencivenga stated that it will be noisy no matter what they do.

The meeting was closed to the public.

Mr. Wyciskala stated that they will continue to look at the fire issues and everything else they have learned tonight.

Attorney Zakin and Wyciskala did a recap of the meeting

It is a bifurcated application

D variance for use – multi family

C variance for height, density for number of units, parking, # of buildings and setbacks.

Attorney Zakin asked the board for any concerns they might have.

Chairman Loury state that one of his concerns is the traffic impact of adding 50 more vehicles in the morning and 52 more vehicles in the evening and questioned the levels of service in Ms.

Dolans report. Mr. Wyciskala stated that these are highly functioning levels of service with the addition of 1 car every 1.1 minute. Some are coming and some are going. Chairman Lory stated that he knows Mr. Wyciskala wants to marginalize it but Chairman Lory isn't marginalizing it on the impact of the residents that are there. Ms. Dolan stated that that there is not a lot of traffic using Kossuth street now, there is capacity that is available. 40 to 50 outbound vehicles over an hour is not enough to change the operational levels. They are not adding through traffic on Main St. which would mean the vehicles waiting at the stop sign would not have to wait longer for a gap. Instead what is happening is they are going to wait a little longer on the side street at the stop sign because there are more cars. The number of gaps on Main Street is not going to change. It is basically an underutilized intersection and has the capacity to accommodate more vehicles. It is a noticeable increase because it is quiet now. There is an increase in traffic but not enough to create a negative impact. The levels of service are within the acceptable range because we are not generating a significant amount of traffic and there is not a significant amount of traffic using that approach to Main St. now. Mr. Rathjens asked if her report is assuming that the roads are constructed to the latest standards. Also, her study was done while there is construction going on at that intersection which will change. Ms. Dolan stated that under current standards you couldn't have parking on both sides of the street. The morning traffic will be more noticeable. Chairman Lory stated that you'll have 6 to 7 vehicles lined up to get out onto Main St. Ms. Dolan stated that the average que is 1 to 2 cars and you also had 31 cars in 1 hour getting out of the gas station in the morning peak hours with no problem. Mr. Rathjens stated that that could change once you put pedestrians on those sidewalks.

Chairman Lory is also concerned with the building height of Building 2 and the fact that it is overlooking the residence on Fern Ave.

A Motion was made by Roger Steele and Seconded by Mark Harris to carry this application to our next meeting on April 9, 2019. YEA – 6 NAY – 0

A Motion was made by Roger Steele and Seconded by Peter Rathjens to adjourn. Meeting adjourned 10:42 P.M. YEA - 6 NAY – 0

Patricia M. Craven – Secretary

Ken Lory - Chairman